

36 to 44 Eglinton Avenue West – Zoning By-law Amendment Application – Refusal Report

Date: February 4, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: 8 - Eglinton-Lawrence

Planning Application Number: 21 101581 NNY 08 OZ

SUMMARY

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 and Site Specific By-law No. 1117-2013 for the lands at 36 to 44 Eglinton Avenue West to permit a 65-storey (220 metre) mixed-use building, comprised of a 5-storey base building and 60-storey tower above. The proposal contains a total of 663 dwelling units and 550 square metres of retail and office space. The total gross floor area would be 45,112 square metres resulting in a density of 32.27 times the lot area. A total of 72 vehicular parking spaces are proposed in three levels of underground parking.

This application is unchanged from Zoning By-law Amendment Application No. 20 165466 NNY 08 OZ, which was submitted to the City on July 9, 2020 and refused by City Council on October 30, 2020. The applicant did not appeal Council's decision to refuse the previous application to the Local Planning Appeal Tribunal (LPAT) within 20 days of the Notice of Decision being issued, nor were any other appeals received on the previous application. The current Zoning By-law Amendment Application No. 21 101581 NNY 08 OZ was submitted to the City on January 12, 2021.

Staff continue to recommend refusal of the application to amend the Zoning By-law. The proposed development represents overdevelopment of the site and is not consistent with the Provincial Policy Statement (2020), does not conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and does not conform to the City's Official Plan and the Yonge-Eglinton Secondary Plan. The proposed development does not fit within the planned context of the Yonge-Eglinton Crossroads Character Area, which requires building heights to peak at the Crossroads (intersection of Yonge Street and Eglinton Avenue) with a gradual transition down in building heights in all directions.

The subject site is not appropriate for the development of a tower of this scale. The proposed development does not achieve appropriate tower setbacks nor stepbacks. Additionally, the proposed development does not minimize shadowing, particularly on Eglinton Park; lacks sufficient office replacement relative to what is existing on-site; the

proposed tower is not meeting the intent of the City's Tall Building Design Guidelines; the outdoor amenity space that is provided is insufficient; and there is no pet amenity area. In addition, the application does not have a satisfactory Functional Servicing Report to address servicing issues.

Therefore, for the reasons outlined in this report, it is recommended that the application be refused.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment for the lands at 36 to 44 Eglinton Avenue West for the reasons outlined in the report dated February 4, 2021 from the Acting Director, Community Planning, North York District
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (LPAT) in support of City Council's decision to refuse the application, in the event that the application is appealed to the Local Planning Appeal Tribunal.
3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order until such time as the Tribunal has been advised by the City Solicitor that:
 - a. The proposed Zoning By-law Amendments are in a form satisfactory to the Acting Director, Community Planning, North York District and City Solicitor;
 - b. A Section 37 Agreement has been executed and registered to secure Section 37 contributions and related matters satisfactory to the Acting Director, Community Planning, North York District;
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

A previous Zoning By-law Amendment application was submitted at 36-44 Eglinton Avenue West on June 10, 2009 that initially sought permission for a 53-storey tower with 458 residential units (File No. 09 148228 NNY 16 OZ).

On November 10, 2009, North York Community Council received a Preliminary Report on the application. The Preliminary Report is available at:
<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24348.pdf>

A revised proposal was submitted on May 5, 2011 seeking permission for a 48-storey tower with 396 residential units. This proposal was appealed by the owner to the Ontario Municipal Board on May 30, 2011, due to Council's failure to make a decision on the application.

On October 4, 2011, North York Community Council received a Request for Direction Report on the application, which was adopted by City Council on October 24 and 25, 2011. The Request for Direction Report is available at:
<https://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-41019.pdf>

An Ontario Municipal Board hearing on the 48-storey proposal commenced on April 16, 2012. At the direction of the Board, it was found that a residential tower of approximately 118 metres of total height would protect for appropriate sunlight on Eglinton Park and the *Neighbourhoods* designated lands to the northwest of the property. A 39-storey (122.55 metre, including mechanical penthouse) mixed-use building was approved for the site by the Ontario Municipal Board through By-law 1117-2013 which may be found here:
<https://www.toronto.ca/legdocs/bylaws/2013/law1117.pdf>.

By-law 1117-2013, among other matters, approved a total of 320 dwelling units, with a minimum requirement of 20% of the units being two-bedroom units and 338 square metres of non-residential gross floor area.

An application for Site Plan Control was never filed and the 39-storey tower was not constructed.

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. City Council adopted Official Plan Amendment 405 and a series of infrastructure strategies and plans in July 2018. OPA 405 included a new Secondary Plan for the area. Adopted OPA 405 was submitted to the Province for approval in August 2018. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019.

A Zoning By-law Amendment Application No. 20 165466 NNY 08 OZ was submitted to City Planning on July 9, 2020 and was deemed complete as of July 13, 2020. On October 7, 2020, North York Community Council received a Refusal Report on the application dated September 18, 2020, which was adopted by City Council on October 27, 28 and 30, 2020. The Refusal Report is available at:
<https://www.toronto.ca/legdocs/mmis/2020/ny/bgrd/backgroundfile-156891.pdf>

The current Zoning by-law Amendment Application No. 21 101581 NNY 08 OZ remains unchanged from Application No. 20 165466 NNY 08 OZ.

On September 21, 2020, the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 (Public Realm) and OPA 480 (Built Form) as part of the City's Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which promote a walkable city; clarify the role of the public realm and the need for new public streets; introduce development criteria for low-rise, mid-rise and tall buildings; and promote public squares and Privately Owned Publicly-Accessible Spaces.

ISSUE BACKGROUND

Proposal

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 and Site Specific By-law 1117-2013 for the lands at 36-44 Eglinton Avenue West to permit a 65-storey (220 metre) high mixed-use building, comprised of a 5-storey base building measuring 24.55 metres in height (see Attachments 1 and 6-11).

The application proposes 663 dwelling units and 550 square metres of retail and office space. The total gross floor area would be 45,112 square metres resulting in a density (floor space index) of 32.3 times the lot area. The tower floor plate ranges from 750.7 square metres from the 7th storey to the 26th storey and increases to 769.9 square metres from the 27th storey upwards. A total of 2,113 square metres of amenity space is proposed, consisting of 1,326 square metres of indoor amenity space and 787 square metres of outdoor amenity space.

A total of 72 vehicular parking spaces are proposed on three levels of underground parking to be accessed off of Duplex Avenue, of which 57 spaces would be for the use of residents and 15 spaces would be for non-residential and visitor use. A total of 681 bicycle parking spaces are proposed, of which 607 would be for resident use and 74 would be for short-term visitors use. One Type 'G' loading space is proposed as part of the development.

| Category | January 12, 2021 Application | |
|--|------------------------------|---|
| Site Area | 1,398 square metres | |
| Base Building Setbacks from Property Line (Ground Floor) | North | 0.31 metre |
| | South (Eglinton Ave W) | 1 to 3 metres |
| | East | 0.37 metre |
| | West (Duplex Ave) | Ranging from 0.48 metres at the north end of the site to 3.25 metres at the corner of Eglinton Ave W and Duplex Ave |
| Tower Setbacks from Property Line | North | 3.97 metres from the 7th to 26th storeys; and |

| | | |
|--|---|---|
| | | 3.07 metres from the 27th to 65th storeys |
| | South | 3 metres |
| | East | 7.9 metres |
| | West | 2.76 to 3.23 metres |
| Tower Setbacks from Adjacent Buildings | North | 13.5 to 16.5 metres |
| | South | NA |
| | East | 11 metres |
| | West | approximately 25 metres |
| Gross Floor Area (GFA) | | |
| Residential | 44,562 square metres | |
| Non-Residential | 550 square metres | |
| Total | 45,112 square metres | |
| Floor Space Index (FSI) | 32.27 times the lot area | |
| Base Building Height | 24.55 metres | |
| Tower Height | 208 metres to the top of the 65th storey. 220 metres (including MPH) | |
| Tower Floor Plate | 750-770 square metres | |
| Proposed Residential Units | | |
| Studio | 0 (0%) | |
| 1 Bedroom | 376 (56.7%) | |
| 2 Bedroom | 166 (25%) | |
| 3 Bedroom | 121 (18.3%) | |
| Total | 663 | |
| Amenity Area | | |
| Indoor | 1,326 square metres | |
| Outdoor | 787 square metres | |
| Total | 2,113 square metres | |
| Proposed Vehicular Parking (shared non-residential and visitor: residential) | 73 spaces (57:15) | |
| Loading Spaces | 1 Type G | |
| Proposed Bicycle Parking (long-term residential: short-term visitor) | 681 spaces (607:74) | |
| Proposed Parkland Dedication | None | |

Detailed project information is found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The site is located at the northeast corner of the intersection of Eglinton Avenue West and Duplex Avenue. The site has 40 metres of frontage on Eglinton Avenue West, a depth of 35 metres and an area of 1,404 square metres. There is currently an existing 7-storey commercial building, constructed in 1957, which contains office and retail uses.

The existing building has a gross floor area of 7,332 square metres, resulting in a density of 5.22 times the area of the lot.

Site servicing and vehicular access to the site is taken from Duplex Avenue. A total of 54 parking spaces exist on site, of which 46 are provided in a below-grade parking structure. The building was refurbished in 1988 with reflective glass cladding. The existing building is proposed to be demolished.

Land uses surrounding the site are as follows:

North: A 22-storey, 455 unit apartment building at 411 Duplex Avenue, one of two residential buildings forming part of the RioCan Yonge-Eglinton Centre.

East: There are 22-storey and 30-storey commercial office buildings forming part of the RioCan Yonge-Eglinton Centre. Five and seven storey additions to the top of the two existing office towers 20 Eglinton Avenue West and 2300 Yonge Street were approved in 2010 (File No. 09 110945 NNY 16 OZ). The Yonge-Eglinton Centre also contains a multi-level retail concourse with direct below grade connections to the Eglinton subway station.

South: Across Eglinton Avenue West, the TTC bus facilities including the vacant Eglinton bus barns. East of the bus barns is the complex known as Canada Square which is currently occupied by three interconnected buildings at 2180, 2190 and 2200 Yonge Street (18, 6 and 17 storeys, respectively). Land uses include office, retail, a movie theatre, and a two level parking garage. The site sits over the Eglinton subway station and TTC bus terminal. The northwest portion of the site is currently being used by Metrolinx as their construction staging area for the Crosstown LRT.

An application for Zoning By-law Amendment was submitted on December 21, 2020 (File No. 20 232714 STE 12 OZ) which is proposing the redevelopment of the properties at 2180, 2190, 2200 and 2210 Yonge Street, 15 Eglinton Avenue West and 20 and 46 Berwick Avenue. The proposal includes a total of 2,701 residential units (216,162 square metres), 58,763 square metres of office space, 1,941 square metres of retail space along Eglinton Avenue West and Yonge Street, approximately 1,000 square metres of community space and 864 parking spaces located in an underground garage. The application also proposes a new bus terminal, replacement of two pedestrian access points to the Eglinton subway station and a new access point to the Crosstown LRT. The overall density of the proposal is 7.42 times the area of the site.

The proposal also includes a new publicly-accessible plaza at the corner of Yonge Street and Eglinton Avenue West, an east-west open space linking Yonge Street and Duplex Avenue, a new L-shaped public street running from Berwick Avenue to Duplex Avenue and a new public park fronting Duplex Avenue and the new L-shaped public street.

West: Across Duplex Avenue on the north side of Eglinton Avenue West are two recent approvals that have been combined into one development application (File No. 20 126681 NNY 08 SA and 20 229115 NNY 08 OZ) which encompass the lands at 50, 60 and 90 Eglinton Avenue West. The initial proposal was for two towers measuring 24

storeys (90 Eglinton Avenue West) and 32 storeys (50-60 Eglinton Avenue West) in height. The proposal has now been amended to increase the height of the towers to 34 and 39 storeys in height atop a 3-storey mixed-use base building with 688 residential units. The development proposes a total gross floor area of 54,755 square metres, of which 2,898 square metres is proposed for retail uses and 4,048 square metres is proposed for office uses, resulting in an FSI of 13.73 times the lot area. The proposal includes retention of the Toronto Hydro Substation complex façade.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10

minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's will achieve appropriate densities and built form at that time, and this refusal does not impact this matter that will require a MCR.

Delineated Protected Major Transit Station Areas (PMTSAs) will be a subset of all 180+ MTSA's that the City can delineate before the MCR is concluded. In order to delineate PMTSA's before the MCR is concluded, the City must put in place a detailed planning framework that includes the authorized permitted uses of land and minimum densities with respect to buildings and structures within the delineated area. The PMTSA requirement for minimum densities for buildings and structures requires a level of specificity that is akin to provisions contained within an area zoning by-law.

Key considerations for the determination of PMTSA candidacy are: enabling Transit Oriented Development (TOD); facilitating large scale revitalization; implementing inclusionary zoning; and building upon recently completed planning studies where significant work was conducted to put in a place the required level of specificity described above.

Staff has reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

City of Toronto Official Plan

City Planning staff have reviewed the application against the policies of the Official Plan, a number of which are noted below. The subject site is designated *Mixed Use Areas* per Map 17 (Land Use Plan) in the Official Plan.

Chapter 1 – Making Choices

Chapter 1 of the Official Plan contains a series of vision statements about the future of the City and the decisions that will help achieve this vision. Section 1.1 of the Official Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a myriad of situations and decisions that, while guided by the Official Plan, cannot encompass or even imagine every circumstance.

Chapter 2 - Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed building is located in the *Yonge-Eglinton Centre*, which is situated in midtown Toronto at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line under construction.

Due to the strategic location of the *Yonge-Eglinton Centre*, it should continue to develop as both an office centre and a desirable living area. This *Centre* has potential for new development, and improvements to its public realm, parks and other open spaces.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary Plans for *Centres* will, among other things, provide a supportive environment for residential and employment growth, including new commercial office space and transit oriented development. The plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Section 2.3.1: Healthy Neighbourhoods

The proposed development is located close, and adjacent to, an area designated *Neighbourhoods* in the Official Plan, to the northwest of the site. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers options within communities to match every stage of life". *Neighbourhoods* are where people connect and by focusing development into the *Centres* and *Avenues* we preserve the character of those *neighbourhoods*. Whether low-rise or apartment buildings, the policies in the Official Plan are intended to apply equally to both. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas.

Policy 2.3.1.3 states that Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*."

Chapter 3 – Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

On September 11, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were approved with modifications by the Minister of Municipal Affairs and Housing. OPA 479 replaces Section 3.1.1 of the Official Plan with new and revised

public realm policies, while OPA 480 replaces Sections 3.1.2 and 3.1.3 of the Official Plan with new and revised built form and built form types policies.

The policy directions in the approved Official Plan Amendment that are applicable to the review of this application are as follows:

Section 3.1.1: The Public Realm

OPA 479 replaces Section 3.1.1 of the Official Plan with new and revised public realm policies. It recognizes that public realm is the fundamental organizing element of the city and its neighbourhoods. Policy 3.1.1.6 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will be designed to balance the needs and priorities of the various users and uses within the right of-way, including provision for: space for trees, landscaping and green infrastructure and other street elements, such as utilities and services, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture.

Policies 3.1.1.6 (c) and (d) give heightened importance to improving the quality and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists and public transit users; reflecting differences in local context and character; and providing building access and address, as well as amenities such as view corridors, sky view and sunlight.

Policy 3.1.1.15 (b) recognizes the relationship between city blocks, development lots, and the size and configuration of proposed land uses, scale of development and intended form of buildings and open space. Policy 3.1.1.16 states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved.

Section 3.1.2: Built Form

OPA 480 replaces Sections 3.1.2 and 3.1.3 of the Official Plan with new and revised built form and built form types policies. The policies recognize that most of Toronto's future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area.

The new Built Form policies provide principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1(b) states that development will be located and organized to fit with its existing and planned context. It will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these

spaces from the development by providing additional setbacks or open spaces, at street intersections and areas with high pedestrian volumes.

Policy 3.1.2.3 states that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.5 requires development to be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policy 3.1.2.6 requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm, while Policy 3.1.2.7 states that transition in scale will be provided within the development site(s) and measured from shared and adjacent property line(s).

Policy 3.1.2.10(c) states that development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing landscaped open space within the development site.

Section 3.1.3: Built Form – Building Types:

OPA 480 also replaces Section 3.1.3 of the Official Plan and provides policy direction for three scales of building types. These building types are defined by their scale and physical characteristics including site and building organization, relationship to the public street, and building massing and height. The built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the proper form and fit with the existing and planned context. A tall building is proposed for the site which is the most intensive form of growth that comes with both opportunities and challenges.

Tall buildings play a role in achieving residential and office growth in parts of the Centres, as well as other areas across the city. However, not every site is appropriate for a tall building. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allows for the appropriate design criteria to be met.

Policy 3.1.3.10 provides that the tower portion of a tall building should be designed to: a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and, e) provide access to daylight and protect privacy in interior spaces within the tower. Policy 3.1.3.11 directs that this should be achieved by: a) stepping back the tower from the base building; b) generally aligning the tower with, and parallel to, the street; c) limiting and shaping the size of tower floorplates above base buildings; d) providing appropriate separation distances from side and rear lot

lines as well as other towers; and e) locating and shaping balconies to limit shadow impacts.

Section 3.2.3: Parks and Open Spaces

The site is located east of Eglinton Park, the largest and most significant park in the Yonge-Eglinton Secondary Plan area. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties including additional shadows, noise, traffic and wind will be minimized as necessary to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.5: Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 17 of the Official Plan (Attachment 3). Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings.

Per Section 4.5.2(b) of the Official Plan, development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands. Section 4.5.2(c) states that development should locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Section 4.5.2(d) states that development shall locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Furthermore, Section 4.5.2(e) states that development in *Mixed Use Areas* should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Sections 4.5.2(f) and (g) state that development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Sections 4.5.2 (h), (i), (j) and (k) state that development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Chapter 5 – Implementation

Section 5.1.1: Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations.

Section 5.2.1 - Secondary Plans

The site is within the Yonge-Eglinton Secondary Plan area. Policy 5.2.1.2 states that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities.

Section 5.6: Interpretation

This section provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City. Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan.

Section 5.6.6 of the City's Official Plan states that the policies of the Official Plan apply to areas subject to Secondary Plans, except in the case of a conflict, the Secondary Plan policy will prevail.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 231

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the LPAT.

Through OPA 231, Council has adopted additional policies to retain existing office buildings and promote new office development and major freestanding office buildings in *Mixed Use Areas* and *Regeneration Areas* in the Downtown and Central Waterfront and Centres, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station.

OPA 231 also supports the nurturing and expansion of Toronto's economy to provide for the future employment needs of Torontonians and the fiscal health of the City by contributing to a broad range of stable full-time employment opportunities for all Torontonians. OPA 231 policies in effect ensure a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the Centres and within walking distance of existing and approved subways (3.5.1.2 a). These policies also set out a framework for balanced growth of jobs and housing across the City to:

- maintain a complete community;
- reduce the need for long distance commuting and lessen regional road congestion; and
- increase the proportion of travel by transit, walking, and cycling (3.5.1.3).

Yonge-Eglinton Secondary Plan

The site is within the Yonge-Eglinton Secondary Plan Area (see Attachment 4). The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place, and where growth is directed near transit. The Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

City Planning staff have reviewed the application against the policies of the Yonge-Eglinton Secondary Plan, a number of which are noted below. The Secondary Plan is intended to be read and interpreted as a comprehensive whole. The site is located at the furthestmost western edge of the Yonge-Eglinton Crossroads, is directly adjacent to the Henning Special Place and Eglinton Park Apartment High Street Character Areas on Map 21-2 of the Yonge-Eglinton Secondary Plan. The site is located in the furthestmost western portion of the Station Area Core, abutting the Secondary Zone on Map 21-3 of the Yonge-Eglinton Secondary Plan. The Site is designated *Mixed Use Areas "A"*, directly abutting *Mixed Use Areas "B"* on Map 21-4 and *Neighbourhoods* to the north on Map 17 of the Official Plan. The site along Eglinton Avenue West is located along a Priority Retail Street on Map 21-5 and the Eglinton Green Line on Map 21-6.

Section 1 - Vision, Goals and Character Area Designations

Section 1.1 of the Yonge-Eglinton Secondary Plan provides a vision statement about the Yonge-Eglinton Area. This vision builds on the qualities that define Midtown's identity and its liveability, including the importance of a complete community and the complementary relationship between mixed-use nodes, historic main streets, low-rise and high-rise communities, parks and open spaces. New buildings are to be compatible with the character and varied scale of Midtown's different Character Areas, conserve heritage attributes and contribute to a high-quality public realm.

As Midtown continues to grow and evolve, the elements of a liveable and complete community will be provided in parallel with growth. Residents and workers will be served by new, improved and expanded community service facilities and resilient physical and

green infrastructure. An enhanced, safe and connected public realm will be created that complements Midtown's green, landscaped setting.

Section 1.2 of the Plan sets out five goals that will guide public works and development in the Secondary Plan, which include: complete community, green and resilient, connected, prosperous and transit optimization. Midtown will be defined by its green, landscaped setting, expanded network of parks and well-designed communities that support energy and water conservation, which together will reduce vulnerability to a changing climate.

Section 1.3 of the Plan sets out the development objectives for the various Character Areas based on land use and the desired long-term vision for each Character Area. The site is in a Midtown Core and is located within the Yonge-Eglinton Crossroads Character Area. The Midtown Cores are vibrant mixed-use areas centred around Midtown's transit stations. The Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses.

Policy 1.3.5(a) states that the Yonge-Eglinton Crossroads Character Area is the centre of activity in Midtown with office, retail and high-rise residential development. A cluster of landmark tall buildings that are distinctive in form and detail when viewed close-up and from a distance will mark this prominent Toronto intersection. Destination retail and major office buildings will continue to shape the character of the area, while signature public squares at each corner will frame and enable activity around the Yonge-Eglinton intersection. Building heights will peak at the Crossroads with a gradual transition down in building heights in all directions.

The surrounding planned policy context includes a Midtown Apartment High Street (Eglinton Park Character Area) and a Midtown Special Place (Henning Character Area). Policy 1.3.4(a) identifies that the Midtown Apartment High Streets are distinct residential areas and contemplate incremental infill development and redevelopment, and the Eglinton Park Character Area is primarily low-rise walk up apartment buildings framing Eglinton Avenue. Policy 1.3.4(a) contemplates that new development will be generally comprised of low-rise walk up apartment buildings with mid-rise buildings at the ends of the High Street. Policy 1.3.6(c) states that the Henning Character Area has an important cluster of office and institutional buildings located close to the transit station at Yonge Street and Eglinton Avenue, as well as a cluster of low-rise residential buildings.

Section 2 - Area Structure

Section 2 of the Plan defines Midtown's urban structure and includes policy directions to direct and shape growth in Midtown over the long-term. Not all areas in Midtown will experience the same levels of intensification and development and infrastructure will be planned in tandem. The intensity of development contemplated in the plan seeks to ensure that the vitality and liveability of Midtown's collection of character areas is maintained, inclusive of the areas designated *Mixed Use Areas* and *Apartment Neighbourhoods* and that the built form of development is transit-supportive, compatible with surrounding areas and meets the desired character of the area in which a development is located. Infrastructure refers to physical infrastructure, community service facilities and green infrastructure including public parks. It ensures that Midtown

is a complete community with transit-supportive development in a compact urban form, recognizing that transit-supportive development does not require or mean tall buildings on every site.

The site is located at the western most edge of the Urban Growth Centre. Policy 2.3.1 identifies the functions of the Yonge-Eglinton Urban Growth Centre including being a major centre of economic activity with a concentration of existing and new office uses and other value-added employment sectors along Yonge Street and Eglinton Avenue; civic and cultural hub with a concentration of existing and new community service facilities, and entertainment uses; a residential area, with a collection of residential and mixed-use neighbourhoods with varied characters and scales as set out in this Plan that support a diverse population.

Section 2.5 of the Plan also speaks to land uses in Midtown. The subject site is designated *Mixed Use Areas "A"* per Map 21-4 of the Plan. *Mixed Use Areas "A"* are Midtown's premier locations for intensification, including residential, major office and other employment uses. A broad mix of residential, retail and service, office, institutional, entertainment and cultural uses are desired and permitted. Parks and open spaces are also permitted. Single-use residential buildings, stand-alone retail stores and vehicle related uses will not be permitted.

Policy 2.5.4 states that tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide 100 per cent replacement of any existing office gross floor area located on the site. The existing office gross floor area on the site is 6,570 square metres.

Section 3 - Parks and Public Realm

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area. Development will reduce the impact of vehicular, loading and servicing activities on the public realm.

The site is located along the Eglinton Green Line. Policy 3.2.2 states that the Eglinton Green Line will be a major linear, publicly-accessible green open space on Eglinton Avenue, extending from Eglinton Park to Mount Pleasant Road. On Eglinton Avenue West between Yonge Street and Eglinton Park, continuous landscaping that includes high-branching trees and plantings will be provided in the right-of-way and in the setbacks.

Public parks have an intrinsic role in the urban landscape. They contribute to the creation of a healthy, connected city, and contribute to place making, liveability and resiliency. They are essential elements of complete communities. New public parkland will be acquired both within and adjacent to (but serving) the Secondary Plan area, in accordance with the applicable legislative framework as part of development applications. Sometimes new park sites will be chosen in order to expand existing parks.

Policy 3.3.2(a) states that in order to satisfy the need for parks and open space and to improve the quantity, quality, form and distribution of parks and publicly-accessible open spaces within the Secondary Plan area, in accordance with the applicable legislative framework as part of development applications, the City will secure land for new public parkland in all areas of the Secondary Plan area and improve existing parkland, including parkland priority improvements.

Section 4 - Mobility

The Midtown Mobility Network shown on Map 21-9 of the Secondary Plan is intended to be a well-connected and integrated network of streets, laneways, mid-block connections and multi-use trails that will provide a variety of safe and sustainable travel choices.

The site is bounded by a Major Street (Eglinton Avenue West) to the south and a Primary Street (Duplex Avenue) to the west. Major Streets are important main streets that provide direct and continuous transportation routes within and across the Secondary Plan area and that connect with the surrounding city. Major Streets are also required to provide direct and continuous walking and cycling routes to transit stations with wide, generous sidewalks and unobstructed clearway to accommodate the highest intensity of pedestrians and cycling movement and activity, support Midtown's retail streets and active building frontages and designed to include space to grow street trees. Primary Streets are intermediate streets that serve a local focus and provide connectivity and access to and between Midtown's employment nodes and other destinations, such as schools, major parks and open spaces, community service facilities and surface transit stops.

The site is located adjacent to a TTC Subway and Crosstown Station (Eglinton Station). Policy 4.25 directs that development in proximity to a transit station will provide improved at-grade access to the station where possible and in accordance with the applicable legislative framework for community benefits. Where possible, entrances to transit stations will be encouraged to be integrated into buildings and new development, ensuring that all points of access are clearly marked, visible and accessible from the street and maintain hours of access to match transit operations.

Section 5 - Built Form

Growth and intensification will be accommodated in a variety of building types and scales suitable and appropriate to the existing and planned context of the character areas that comprise Midtown while enhancing the livability of a building's surroundings and the spaces within the building. To achieve this, all development within the Secondary Plan area will generally reflect the built form principles in Section 5.1 of the Secondary Plan.

Policy 5.1.1(a) states that development will provide a variety of building types with a range of heights to fit with the planned character, promote localized sense of place and create a distinct skyline that reinforces Midtown's location in the city's urban structure.

Policy 5.1.1 (b) states that development provide transition from *Mixed Use Areas* and *Apartment Neighbourhoods* through a variety of context-appropriate approaches that

adequately limit shadow and privacy impacts, such as transitioning building heights, inclusive of base buildings, placing buildings in landscaped settings with building setbacks, or a combination thereof.

Policy 5.1.1(d) requires development to contribute to Midtown's green, landscaped character, provide appropriate spacing and separation between tall buildings and that the base of tall buildings has a scale that is compatible with the existing and planned character of the area.

Policy 5.1.1(e) with respect to public realm, open space and walkability states that development is to promote active street life and "eyes on the street" by ensuring buildings frame and animate streets, parks and open spaces, with active uses at grade, windows to allow for a two-way visual exchange, ensuring clearly defined and visible entrances from the public realm, and encouraging the highest quality of architecture and landscape architecture.

Policies 5.1.1(h) and (i) speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and good wind conditions.

Policy 5.3.5 addresses a diversity of building types and forms. Development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area. Development fronting a major street in the Midtown Cores and the Eglinton Green Line, will contribute to creating a consistent and continuous streetwall in the respective Character Area.

The policies in 5.3.31 state that the siting and placement of tall buildings will take into account other adjacent sites; provide adequate access to sunlight and sky view from the public realm; and take into account the comfort of sidewalks, parks and open spaces and outdoor areas associated with community service facilities and schools.

Policies 5.3.35 and 5.3.36 provide direction on base buildings of tall buildings that generally do not exceed a maximum height of 8 storeys, stepping back at the 6th storey.

Policy 5.3.41 states that the middle (tower) floor plate of residential tall buildings and the residential portion of mixed-use tall buildings will generally have slender proportions and not exceed 750 square metres. Increases to the floor plate size may be considered when it is demonstrated that the impacts of the larger floor plate, including but not necessarily limited to pedestrian comfort, shadow, transition, sky view and wind, can be appropriately addressed.

Per Policy 5.3.45, in order to achieve good sky view and sunlight, as well as to contribute to the desired character of an area, the minimum tower separation distances between residential tall buildings will be specified in an implementing zoning by-law.

Policy 5.4.3 sets out anticipated height ranges for Character Areas and states that specific heights will be determined through rezoning or a City initiated zoning by-law

amendment. Policy 5.4.3(n) outlines an anticipated height range for the Yonge-Eglinton Crossroads Character Area of between 35 and 65 storeys with the peak at the intersection of Yonge Street and Eglinton Avenue and a gradual transition down in building heights in all directions.

Policy 5.4.3(t) provides for heights of 15 to 35 storeys for the adjacent Henning Character Area with heights stepping down towards Edith Avenue and Orchard View Boulevard. Immediately adjacent to the west of the site, along Eglinton Park High Street, 4 to 10 storeys is contemplated in walk-up apartment and mid-rise built form. The subject site is located directly across the street from the southwest quadrant - referred to as Canada Square - of the Yonge-Eglinton Crossroads Character Area, which is a Special Study Area. A comprehensive study is required to be undertaken prior to considering any amendments or variances to the Zoning By-law.

The overall impact of this proposal, while not within the Canada Square Special Study Area, must be viewed within the lens of these policies. Per Policy 5.5.3, any resulting Zoning By-law amendment or variances within a Special Study Area will meet all applicable policies of this Plan and will address the following development criteria:

- a. a comprehensive study will be undertaken prior to considering any amendments or variances to the Zoning By-law. Any resulting Zoning By-law amendment or variances will meet all applicable policies of this Plan;
- b. a new public street extending east and south from Duplex Avenue to Berwick Avenue will not be precluded. Land conveyances will be required from privately-owned sites to implement the new public street;
- c. strata plans, as appropriate, may be utilized to limit height on City-owned lands to implement the objectives of this Plan;
- d. a sensitive transition in height, density and scale will be provided through the use of building setbacks and stepbacks in addition to any height limitations to adjacent lands designated *Neighbourhoods*; and
- e. a compatible height gradation will be provided by stepping down buildings heights from the southeast corner of Yonge Street and Eglinton Avenue (highest) to the northwest corner of Berwick Avenue and Duplex Avenue (lowest).

Policy 5.6.1 directs that development will be located and designed to maintain adequate access to sunlight on Eglinton Park, the largest and most significant park in the area and all development proposals will be encouraged to minimize net new shadows on these existing and proposed parks.

Section 6 - Community Services and Facilities

Community service facilities provide a foundation for a diverse range of programs and services that build communities, contribute to quality of life and act as neighbourhood focal points where people gather, learn, socialize and access services. These facilities

and the services they provide are an essential part of creating and sustaining vibrant, inclusive and complete communities.

Section 7 - Housing

The Secondary Plan highlights the need for a full range of housing to meet the needs of all household sizes and income levels and contribute to diverse, inclusive and liveable communities. A range of unit types and sizes not only supports households with children but also a variety of households at different life stages. Midtown, including its vertical communities, should be designed for all people.

Section 8 - Energy and Resilience

Midtown's landscaped character provides a unique opportunity to increase water retention and support greater local biodiversity. The Plan's policies support the development of green infrastructure such as storm water capture and tree planting as part of public realm improvements and private development.

Growth in Midtown will increase pressure on existing electricity supply, transmission capacity and energy-related utilities. Existing infrastructure cannot be easily upgraded. Policies in the Plan encourage development to incorporate a connection to an existing or planned thermal energy network, integrate on-site electricity production and target near-zero energy use.

Section 9 – Making it Happen (Implementation)

Section 9 of the Secondary Plan provides direction on the implementation of the principles contained within the Secondary Plan. This includes policies relating to infrastructure implementation strategies (Section 9.2); Securing Public Access (Section 9.6); and Construction Management (Section 9.7). The implementation strategies will address the scope, cost and timing for new and improved physical and social infrastructure in more detail and ensure that the necessary infrastructure improvements are coordinated.

Section 10 – Interpretation

The policies of this Plan must be read together as a whole and the relevant policies are to be applied to each situation as applicable. While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole to properly understand a specific policy. There is no implied priority in the order in which the policies appear.

City of Toronto Urban Design Guidelines adopted by City Council will continue to be used to supplement the review and evaluation of development proposals submitted in the Secondary Plan area but are not policy. Guidelines to be used will be contextually specific to the development site and type of development proposed.

The outcome of staff analysis and review of the relevant Official Plan policies and designations and the Yonge-Eglinton Secondary Plan is summarized in the Comments section of the Report.

The Yonge-Eglinton Secondary Plan is available on the City's website at:
https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Zoning

The site is subject to site specific By-law No. 1117-2013, which permits a 39-storey (122.55 metre) mixed-use building with of a total of 320 dwelling units and 338 square metres of non-residential gross floor area. The site specific by-law also includes provisions relating to unit location, parking and amenity area.

It is of note that there was not a site-specific by-law enacted that amended Zoning By-law No. 569-2013. Should the application be approved in some form by the LPAT, a site specific zoning by-law amending Zoning By-law 569-2013 will be required.

Site Specific By-law No. 1117-2013 may be found here:
<https://www.toronto.ca/legdocs/bylaws/2013/law1117.pdf>

The City's Zoning By-law 569-2013 may be found here:
<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Midtown Zoning Review

As part of the approval of Midtown in Focus in July 2018, City Planning was directed by Council to initiate a zoning review for Midtown's 22 Character Areas to implement the directions of the Secondary Plan. The zoning review is being undertaken in phases. Character Areas with significant intensification potential (e.g. multiple sites capable of redevelopment and scale of development) are being prioritized in the initial phase of the review. The majority of sites in the Yonge-Eglinton Crossroads Character Area have received site-specific development approvals or are identified as a Special Study Area. As such, the Yonge-Eglinton Crossroads Character Area is not included in the initial phase of the zoning review.

The zoning review involves a comprehensive evaluation of current zoning regulations and identifies where further study or amendments are needed to ensure conformity with the policies of the Secondary Plan. This review will be informed by an updated built form study and infrastructure assessments which reflect the in force Secondary Plan. Based on findings from the built form study, the zoning review will recommend specific heights as set out in Policy 5.4.3 of the Secondary Plan. It will also provide direction on permitted uses, density, and other performance standards such as setbacks at grade, tower separation and lot coverage. The built form study will also provide updated population and employment estimates which will inform the updated infrastructure assessments. The zoning review will consider the application of holding provisions where it has been demonstrated that additional infrastructure is needed to support anticipated growth.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Growing Up Guidelines: Planning for Children in New Vertical Communities (2020), the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The City-Wide Tall Building Design Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Report from the Chief Planner on the Growing Up Guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

Site Plan Control

The subject site and application are subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

Reasons for Application

A Zoning By-law amendment is required as the application proposes to exceed the maximum building height and density permitted by the existing site-specific Zoning By-law as amended, and to establish new development standards related to amongst other things: parking, loading, gross floor area, building height and building setbacks.

Application Submission

The following reports/studies were submitted in support of the application:

- Architectural Plans
- Civil and Utilities Plans
- Coloured Concept Plan
- Community Services and Facilities Study
- Cover Letter
- Draft Zoning Bylaw Amendments for Zoning By-law Nos. 438-86 and 569-2013
- Energy Efficiency Report
- Geotechnical Study
- Hydrogeological Report
- Hydrogeological Review Summary

- Landscape and Lighting Plans
- Pedestrian Level Wind Study
- Phase I Environmental Impact Statement
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Servicing Report
- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study; and
- Tree Declaration Form.

The Zoning By-law Amendment Application was deemed complete as of January 12, 2021. Supporting documentation can be viewed at the City's Application Information Centre:

<http://app.toronto.ca/AIC/index.do>

Agency Circulation

The application, together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

As this application is unchanged from Zoning By-law Amendment Application No. 20 165466 NNY 08 OZ, which was submitted to the City on July 9, 2020 and refused by City Council on October 30, 2020, no further community consultation meetings were held on the current Zoning by-law Amendment Application No. 21 101581 NNY 08 OZ to avoid confusion of the public.

The previous virtual community consultation meeting was held by City Planning on September 16, 2020 and approximately 41 members of the public attended along with the applicant and their team and the Ward Councillor.

The following issues were raised at the community consultation meeting:

- Height and density of the proposed building;
- Shadow impact on Eglinton Park and the residential homes to the west, northwest and on the apartment building to the north at 411 Duplex Avenue;
- Transition to lower density neighbourhoods;
- Impacts of additional traffic on the area;
- Lack of connection to the Eglinton subway station;
- Adequacy of the parking supply and access to the site being proposed;
- Minimal amount of office replacement and affordable retail being proposed;
- Adequacy of the proposed visitor parking supply and potential need to park on residential streets;
- Effect of wind on pedestrians at street level;

- The need for infrastructure upgrades and studies to support this and other developments in the area; and
- Lack of public realm and sidewalk space.

COMMENTS

Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act* and requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are particularly relevant to this proposal.

The proposed development, in its current form, does not have regard to the relevant matters of provincial interest. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Provincial plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any of the policies of the Plans.

Staff have determined that the proposal in its current form is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020) for reasons generally outlined below.

Provincial Policy Statement (2020)

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. Staff have determined that the proposal, in its current form, is not consistent with the PPS (2020), specifically with respect to the following policies:

- Policy 1.1.1 b) which refers to accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- Policy 1.1.1 g) which refers to ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- Policy 1.1.3.3 which states that planning authorities shall identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas;
- Policy 1.1.3.4 which states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policies 1.2.1 a) and g) which state that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters, including: managing and/or promoting growth and development that is integrated with infrastructure planning; and population, housing and employment projections, based on regional market areas;
- Policies 1.4.3 a) and f) which reference an appropriate range and mix of housing options and densities and establishing minimum targets for affordable to low and moderate income households and establishing development standards for residential intensification;
- Policies 1.5.1 a) and b) which state that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; and planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, and open space areas;
- Policy 1.6.7.2 which states that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible;

- Policies 1.7.1 a), d) and e) which speak to long-term economic prosperity being supported by: promoting opportunities for economic development and community investment-readiness; maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; and encouraging a sense of place, by promoting well-designed built form and cultural planning; and
- Policy 4.6 which states that the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

The inconsistency with the PPS relates to the scale, intensity and form of development being proposed and the inappropriate disregard of the Yonge-Eglinton Secondary Plan's direction with regard to these matters.

Policies 1.1.1 b), 1.1.3.4 and 1.5.1 a) and b) of the PPS (2020) promote the formulation of appropriate development standards, while providing for safe, active streets and public spaces and an equitable distribution of publicly-accessible settings for recreation, including facilities, parklands, public spaces, and open space areas.

Working within the framework of the PPS and Growth Plan, this planning exercise was undertaken through Midtown in Focus, which ultimately resulted in ministerial approval of OPA 405 on June 5, 2019. The Yonge-Eglinton Secondary Plan provides policy direction to ensure Midtown develops as a complete community, maintains the diversity of Midtown's neighbourhoods and integrates land use and infrastructure planning while informing and guiding the provision of new and improved parks and community service facilities.

With respect to Policies 1.1.1 g) and 1.2.1 a) and g) of the PPS (2020), it has not been demonstrated that the necessary infrastructure is available to support the proposed development and the cumulative impacts on the transportation and servicing infrastructure as a result of applying this and similar density to all developable sites in the area.

This single application is not required for the City to meet its population, housing and employment targets in the Yonge-Eglinton urban growth centre. The proposal must be considered in the context of the other policies in the PPS (2020) Growth Plan (2020), the Official Plan, the Yonge-Eglinton Secondary Plan, Zoning By-laws and Guidelines.

Policy 1.6.7.2 of the PPS (2020) states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management (TDM) strategies, where feasible. While it is recognized that the proposed development is adjacent to the Eglinton TTC station, connecting both the Yonge Subway and the future Eglinton Crosstown LRT, the proposed TDM measures fail to justify the requested reduced parking rates, car-share spaces, bicycle parking spaces, driveway widths and location and layout of vehicular and bicycle parking based on an mixed-use built-form located in Midtown. Further discussion on TDM measures can be found in the "Traffic Impact, Access and Parking" section of this report.

With respect to Policies 1.7.1 a), d) and e) relating to long-term economic prosperity, the amount of office replacement being proposed relative to what is existing on the site is inadequate and provides a reduced opportunity for economic development and community investment-readiness. As will be discussed in greater detail later in this report, the proposed 65-storey tower does not promote a well-designed built form within the context of the City's Official Plan policies for appropriate built form.

Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area through the City's Official Plan, Midtown in Focus and the subsequent Yonge-Eglinton Secondary Plan adopted through OPA 405 and approved by the Province.

The analysis of the proposed built form in the context of the aforementioned Official Plan policies as assessed later in this report, indicates that the proposed tower does not adhere to appropriate development standards for intensification, particularly those concerning appropriate form of tower development and tower separation issues.

As such, the proposed development and companion Zoning By-law Amendment application is not consistent with the Provincial Policy Statement (2020). The proposal does not conform to the intensification direction and standards that are set out in the Official Plan and Guidelines, as directed through the PPS as being a responsibility of the City.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The guiding principles of the Growth Plan (2020) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Staff have determined that the proposal, in its current form, does not conform with the Growth Plan (2020), specifically with respect to the following policies:

- Policies 2.2.1.4 b) c), d) and e) which state that applying the policies of this Plan will support the achievement of complete communities that, amongst other matters:
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and

e) provide for a more compact built form and vibrant public realm;

- Policies 2.2.2.3 b), d) and f) of the Growth Plan speak to delineated built-up areas and state that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and

f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

- Policy 2.2.4.10 which states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.
- Policy 2.2.5.3 which states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

Policies 2.2.1.4 and 2.2.4.10 make reference to achieving complete communities through expanding convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation and planning for lands to be transit-supportive and supportive of active transportation adjacent to or near to existing and planned frequent transit.

The Growth Plan (2020) requires that transit-supportive development be consistent with Ontario's Transit Supportive Guidelines. The guidelines state that: "the act of locating higher-density development and uses adjacent to a transit stop does not always equate to transit-supportive development." The guidelines further state that new development contribute to a pedestrian-friendly public realm by scaling buildings to match their specific context.

With respect to Policies 2.2.1.4 b) and c) appropriate housing unit sizes, sufficient amenity spaces and parking spaces have not been provided. Policies 2.2.1.4 d) and e) state that applying the policies of the Growth Plan will support the achievement of complete communities through, among other matters, expanding convenient access to an appropriate supply of safe, publicly-accessible open spaces, and providing a more compact built form and a vibrant public realm, including public open spaces.

The proposed development does not provide appropriate on-site public open space or parkland, while proposing a tower form that has significant shadowing impacts on Eglinton Park and as such does not support the achievement of complete communities.

With respect to Policies 2.2.2.3 b), d) and f), the proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan and in Urban Growth Centres, it must achieve the policy goals as outlined in the PPS, Growth Plan, City's Official Plan and Yonge-Eglinton Secondary Plan. Further, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan, in conjunction with the Yonge-Eglinton Secondary Plan, which provides a greater level of detail and specificity on matters such as built form, massing, scale and location of development within this area. These policies are further informed by the City's Tall Buildings Guidelines, which apply to this application as a tall building is being proposed.

The Growth Plan also sets out objectives to support economic development through ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth. It also directs retail and office uses will be to locations that support active transportation and have existing or planned transit in Policy 2.2.5.3. These objectives are implemented through Official Plan policies (OPA 231) and the Yonge-Eglinton Secondary Plan. The proposal fails to meet the intent of OPA 231 and fails to conform to the Yonge-Eglinton Secondary Plan office replacement policies.

Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order achieve the minimum intensification and density targets in the Growth Plan.

The City has done this through its Official Plan policies and supporting guidelines discussed in this report. Together, the policies and guidelines provide a planning framework that enables new development and intensification on the site in a manner that achieves a number of city building objectives and positively contributes to the surrounding context.

The proposed development does not have regard to relevant matters of provincial interest in Section 2 of the *Planning Act*, is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020). As described later in this report, the proposal does not improve the overall quality of life for future residents as the building currently lacks outdoor amenity space and community space; the appropriate housing unit sizes are not being provided to accommodate the needs of various household sizes; and the proposed tower is of an excessive height (220 metres including mechanical) without proper setbacks and tower separation that does not provide appropriate transition to adjacent areas, or appropriate transition from where the highest density of development is intended to be located in accordance with the Yonge-Eglinton Secondary Plan.

City of Toronto Official Plan and Yonge-Eglinton Secondary Plan

This application has been reviewed against the relevant policies of the Official Plan and Yonge-Eglinton Secondary Plan described in the Issue Background Section of the Report.

Land Use

The lands are designated as *Mixed Use Areas* in the Official Plan. It is intended that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

Section 4.5 of the Official Plan directs that development within *Mixed Use Areas* will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- take advantage of nearby transit services;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The subject site is designated *Mixed Use Areas "A"* per Map 21-4 of the Yonge-Eglinton Secondary Plan. *Mixed Use Areas "A"* are Midtown's premier locations for intensification, including residential, major office and other employment uses. A broad mix of residential, retail and service, office, institutional, entertainment and cultural uses are desired and permitted.

The proposal contemplates the intensification of the present site from an existing 7-storey building with a density of 5.22 times the lot area to a 65-storey building with a density of 32.27 times the lot area. While it is recognized that the site is designated *Mixed Use Areas* and *Mixed Use Areas "A"* in the City's Official Plan and the Yonge-Eglinton Secondary Plan, respectively, and that the proposed uses are permitted, it fails to conform with other Official Plan and relevant Secondary Plan policies and fails to appropriately respond to the intent of the Tall Building Design Guidelines all of which assist in determining whether the proposal is an appropriate scale in relation to the existing and/or planned context. A building of this mass and scale is not required to achieve the City's intensification objectives.

The site is located within the Yonge-Eglinton Crossroads Core Character Area. Section 1.3.5(a) (Character Areas) of the Yonge-Eglinton Secondary Plan states the following with respect to the Yonge-Eglinton Crossroads Core Character Area:

"The Yonge-Eglinton Crossroads Character Area is the centre of activity in Midtown with office, retail and high-rise residential development. A cluster of landmark tall buildings that are distinctive in form and detail when viewed close-up and from a distance will mark this prominent Toronto intersection. Destination retail and major office buildings

will continue to shape the character of the area, while signature public squares at each corner will frame and enable activity around the Yonge-Eglinton intersection. Building heights will peak at the Crossroads with a gradual transition down in building heights in all directions;"

While the proposed uses are permitted within the Yonge-Eglinton Crossroads Core Character Area of the Yonge-Eglinton Secondary Plan, the proposal fails to conform with the policy direction, as discussed in the following sections.

Office Replacement, Yonge-Eglinton Secondary Plan and OPA 231

The application proposes a total of 303.9 square metres of office space located on a mezzanine level above a portion of the ground level retail space. There is currently a 7-storey building on the site with approximately 6,570 square metres of office space.

Under the Growth Plan, the existing office building and gross floor area of 6,570 square metres is considered "major office". Policy 2.2.5.2 of the Growth Plan specifically directs that Major Office be directed to Urban Growth Centres and such office uses in both the Yonge-Eglinton Secondary Plan and the Growth Plan are important contributors to the Urban Growth Centre.

While it is understood that as part of Site Specific By-law 1117-2013, which pre-dates OPA 231, the Yonge-Eglinton Secondary Plan and the Growth Plan (2020), the minimum required office space, at that time, was reduced to 338 square metres. However, the applicable policies to this application, including the Yonge-Eglinton Secondary Plan, require the replacement of 100% of the existing office gross floor area on the site, which supports Provincial objectives of making urban growth centres as areas of high density major employment centres.

Specifically, Policy 2.5.4 of Yonge-Eglinton Secondary Plan states that:

"Tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide 100 per cent replacement of any existing office gross floor area located on the site."

While further review of these figures is required to confirm the amount of office replacement being proposed, using the applicant's figures, the proposal provides for approximately 4.6 per cent replacement of what exists on the site today.

The proposal does not meet the office replacement policy objectives of either OPA 231 or the Secondary Plan.

Built Form - Height, Transition and Massing

The proposed tall building development is massed in a tower with base building form. The proposed building is a 65-storey (220 metre) residential building with a 5-storey base building that would be 24.55 metres in height. The proposal in its current form ignores a number of policy objectives relating to tall buildings in both the Official Plan and Yonge-Eglinton Secondary Plan.

Official Plan Policies 3.1.2.1(b), 3.1.2.5, 3.1.2.6, and 3.1.2.7 relate to the planned context and transition in scale. Development will be located and organized to fit with its existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm. Section 3.1.3 specifically addresses tall buildings and requires tall buildings to meet the built form principles of the plan, as set out within Section 3.1.2.

The planned context is specifically established in the Yonge-Eglinton Secondary Plan through the identified Character Areas, building heights, transition and built form direction for the subject site and adjacent lands.

Further direction on the built form and height envisioned for the site is detailed in the Yonge-Eglinton Secondary Plan. The policies recognize that the Midtown Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses and that the highest intensity of development in the Secondary Plan area is planned at the Yonge-Eglinton Crossroads. However, the edges of the Cores will be designed to ensure connectivity and transition in scale and intensity to surrounding areas. This site is located at the westernmost edge of the Yonge-Eglinton Crossroads.

Policy 5.4.3(n) sets out the anticipated height range for the Yonge-Eglinton Crossroads, which is 35 to 65 storeys with the peak at the crossroads (being Yonge Street and Eglinton Avenue) and a gradual transition down in building heights in *all* directions. The intent of this policy is that heights would decrease moving away in all directions from the intersection of Yonge Street and Eglinton Avenue West. A 65-storey tall building was approved at the southeast corner of Yonge Street and Eglinton Avenue. Building height transitions from this 65-storey peak have been secured in other areas of this Character Area.

Instead, the proposed 65-storey tower at the periphery of the Yonge-Eglinton Crossroads area would be at the highest anticipated height range for the area and would be significantly taller than any of the existing buildings at the RioCan Yonge-Eglinton Centre. As noted previously, the site is located at the furthestmost western edge of the Yonge-Eglinton Crossroads and is directly adjacent to the Henning Special Place and Eglinton Park Apartment High Street Character Areas, which are characterized by significantly lower building heights than what is being proposed by this application.

The Built Form policies of the Official Plan require development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm and state that transition in scale will be provided within the development site and measured from shared and adjacent property lines.

The proposal does not fit harmoniously into the existing and/or planned context as outlined in the Official Plan. The proposed 65-storey tower fails to conform to these policy directions and fails to provide a transition in building heights in all directions, particularly to the west.

Policies 5.1.1(h) and (i) of the Secondary Plan speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and good wind conditions. Policy 5.3.5 states that development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area.

For tall buildings, Policy 5.3.31(a) of the Secondary Plan states that the siting and placement of tall buildings, and particularly the tower (middle) portion of the tall building, on a site will take into account other adjacent sites. Policy 5.3.45 states that in order to achieve good sky view and sunlight, as well as to contribute to the desired character of an area, the minimum tower separation distances between residential tall buildings will be specified in an implementing zoning by-law.

The planned and built form context as it relates to tower separation distances is one of the key considerations when assessing appropriate built form for tall buildings. The Official Plan requires development to protect privacy within adjacent buildings by providing appropriate setbacks, stepbacks and separation distances from neighbouring properties. The intent is that sufficient separation distances be achieved to ensure light, view and privacy impacts are appropriately addressed for both residents within a building and for pedestrians on the street. The proposal does not provide for appropriate tower separation distances.

The Built Form policies of the Official Plan and Yonge-Eglinton Secondary Plan are implemented in part through the Tall Building Design Guidelines. Relevant Guidelines in this case include Guideline 1.1 (Context Analysis), 1.3 (Fit and Transition in Scale), 1.4 (Sunlight and Skyview), 2.1 (Building Placement), 2.2 (Building Address and Entrances), 2.3 (Site Servicing, Access and Parking), 2.4 (Publicly Accessible Open Space), 3.2.2 (Tower Placement), and 3.2.3 (Separation Distances).

Guideline 1.1 requires a walkable and block context analysis be provided to inform the placement, height and character of base buildings, the location, shape, general height, and spacing of towers, as well as the relationship in scale between tall building components and to neighbours.

Guideline 1.3 states that tall buildings should fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. This can be achieved by applying angular planes, minimum horizontal separation distances and other building envelope controls. Tall buildings should respect the scale of the local context.

Guideline 2.1 provides that base buildings be located to frame the edges of streets, parks, and open space, to fit harmoniously with the existing context, and to provide opportunities for high-quality landscaped open space on-site.

Guideline 2.4 states that tall buildings provide grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space.

Guideline 3.2.2 states that towers be placed away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

Guideline 3.2.3 refers to tower separation distances of 12.5 metres or greater from the side and rear property lines in order to limit negative impact on sky view, privacy and daylighting. Where taller buildings or larger tower floor plates are proposed, the guidelines state that greater setbacks and separation distances be provided proportionate to increases in building size and height.

Guideline 3.2.5 states that balconies are to be designed to maximize usability, comfort, and building performance, while minimizing negative impacts on the building mass, public realm, and natural environment.

The intent of the City's Official Plan, the Yonge-Eglinton Secondary Plan and the City's Tall Buildings Guidelines has not been met by the proposal for the following reasons:

- It has not been sufficiently demonstrated that the placement, height and character of the base building, the location, shape, general height of the tower is in keeping with the area context.
- Grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space has not and cannot be provided due to the limited size of the site.
- The applicant is proposing a tower development on a site that is too small for a tower of this height, floorplate size and scale. The inadequate lot size results in an inability to achieve appropriate tower separation distances (and/or tower setbacks).
- The fit and transition in scale between the proposed tall building and its neighbouring properties is abrupt and unacceptable. It is recognized that the site is located in an area contemplated for the development of tall buildings, but the proposal at 65-storeys in height fails to provide any transition away from the height peak at the Yonge-Eglinton Crossroads, particularly towards the Character Areas to the west and the *Neighbourhoods* designated lands to the north.
- Of note is that the buildings surrounding the proposed tower on the east and west sides of the site are proposed, or exist at, much lower heights than what is being contemplated by the proposed building. The proposed building does not respect or transition in accordance with Official Plan policies regarding height guidance and tall building design.
- The proposed height and massing departs significantly from the policies and intent of the Yonge-Eglinton Secondary Plan, which speak to a reduction in height in all directions away from the Yonge-Eglinton Crossroads.

- The proposed tower cannot achieve, and does not propose, 12.5 metre setbacks to any lot line. This significantly increases the visual and physical impact on surrounding streets, parks, open space and properties. The tower setbacks as proposed from the property lines range from 2.9 metres to 7.9 metres. Greater separation than what is being proposed is required.
- It is important to note that By-law 1117-2013, and the hearing that preceded the By-law's approval by the Ontario Municipal Board predates the City's Tall Building Design Guidelines and therefore the proposal subject of By-law 1117-2013 was never evaluated against these Tall Building Design Guidelines (2013). The approved 39-storey tower was approved at a much lower building height than what is being proposed by the application. While lesser tower setbacks may have been contemplated at that time, they would not be appropriate for a building of a larger scale, as is being proposed by this application.
- Tower setbacks, measured from the top of the base building, greater than 3 metres are encouraged by the Tall Buildings Guidelines and may be required for tall buildings to fit harmoniously within an existing context. In this case, the setbacks proposed are between 1.65 metres and 2.6 metres along the Eglinton Avenue West frontage and 2.73 metres along Duplex Avenue on both the west and east side, which is inadequate given the height of the proposed tower.

The proposal does not provide the required reduction in height in all directions away from the Yonge-Eglinton Crossroads. The lands are located at the westernmost edge of the Character Area away from the Yonge-Eglinton Crossroads. Policy 10.3 of the Secondary Plan requires that the policies of this Plan must be read together as a whole and the relevant policies are to be applied to each situation as applicable.

The proposed building in its current form fails to provide appropriate transition and does not consider the impact the proposed height and massing would have on other adjacent sites, *Neighbourhoods* located to the northwest of the site and Eglinton Park.

The proposal in its current form is not acceptable with respect to the built form, height and massing proposed.

Sun, Shadow, Wind

Shadow and Sky View

The applicant has submitted studies illustrating the extent of shadowing in one hour increments that would result from the proposed development from 9:18 am to 6:18 pm for March 21st, June 21st and September 21st.

The shadow impacts resulting from the proposed development are not acceptable. In its current form, there are significant shadow impacts on Eglinton Park from 9:18 am to 10:18 am on March and September 21st. The submitted shadow studies also illustrate shadowing impacts on various properties within the *Neighbourhoods* designated lands bounded by Edith Drive to the west, Duplex Avenue to the east, Orchard View

Boulevard to the south and Montgomery Avenue to the north from 9:18 am to 11:18 am on March 21st and September 21st. There are also significant shadow impacts on the immediately adjacent *Neighbourhoods* designated lands, south of Orchard View Boulevard and west of Duplex Avenue from 9:18 am to 10:18 am on June 21st.

Official Plan Built Form Policy 3.1.2.8 states that where development is adjacent to a park or open space, the building should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight. Policy 3.1.3.10(b) states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties. Policy 3.2.3.3 directs that development minimize additional shadows on parks and open spaces to preserve their utility.

A 65-storey tower creates significant shadow impacts on Eglinton Park. It is of note that the originally-approved 39-storey tower would have had no shadow impact on Eglinton Park on March 21st and September 21st and resulted in less significant shadows to *Neighbourhoods* designated lands.

Policies 5.1.1(h) and (i) of the Secondary Plan speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and suitable wind conditions.

Policy 5.6.1 states that development will be located and designed to maintain adequate access to sunlight on Eglinton Park, the largest and most significant park in the area.

Tall Building Design Guidelines 1.3 (Fit and Transition in Scale) and Guideline 1.4 (Sunlight and Sky View) are also applicable to the proposal. Guideline 1.3 (a) recommends maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties. Guideline 1.4 (a) and (b) recommends protecting access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties.

The shadow cast by the current proposal at 65-storeys in height will have impacts on the surrounding area. There is a particular impact on Eglinton Park from 9:18 am to 10:18 am on March 21st and September 21st and the private outdoor amenity areas on *Neighbourhoods* designated properties to the northwest of the site.

It is important to note that shadow impacts in this area will not be exclusive to this proposal. Shadows from buildings approved and under construction in the immediate area will also extend throughout the day. The cumulative shadow impact of a number of tall buildings in close proximity must also be taken into consideration.

The proposed shadowing is significant as it impacts a number of surrounding properties including a number of private amenity areas, existing and future parks and surrounding community uses. Official Plan Policies 3.1.2.3 and 3.2.3.3 and related Tall Building Design Guidelines (Guideline 1.3, 1.4 and 3.2) specifically state the need to minimize

and limit shadows. A reduction in the building height is recommended to reduce or eliminate shadow impacts.

The proposed development results in shadow impacts that are not acceptable and do not conform with the policies of the Official Plan and the Yonge-Eglinton Secondary Plan.

Wind Impacts

A Pedestrian Wind Assessment from Gradient Wind, dated June 24, 2020 was submitted with the application to detail the potential wind impacts resulting from the massing of the proposed building. A wind tunnel test is required for this analysis.

The preliminary assessment concludes that wind conditions over most pedestrian sensitive grade-level locations within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. For a section of sidewalk at the northwest corner of the building, which will transition to become uncomfortable for walking during the autumn and winter, mitigation is recommended.

The Wind Study recommends providing raised planters with coniferous plantings and/or architectural wind screens along the sidewalk to disrupt northerly wind directions channelling along Duplex Avenue. As well, a canopy extending at least 2.0 metres from the plane of the west façade of the base building will reduce the downwash of higher-level winds over the sidewalk.

To ensure that conditions are comfortable for sitting in the outdoor amenity terraces on the 3rd and 6th floors during the intended use period of late spring to early autumn, mitigation measures are recommended. The Wind Study recommends raising the north and west perimeter guards to 1.8 metres above the walking surface, as well as to install a canopy or pergola structure extending 2.0 metres from the north façade of the building base, wrapping at the northeast building corner. The study also recommends installing localized wind barriers adjacent to areas designated for seating or other sedentary activities.

A wind tunnel test is needed to properly assess the proposed wind impacts from the development with regard to the proposed building massing.

Public Realm and Pedestrian Linkages

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area.

For development in the Yonge-Eglinton Centre, Official Plan Policy 2.2.2.2(k) refers to establishing a high-quality public realm. This is expanded on by Policy 3.1.1.6, which states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete

communities. New and existing City streets will be designed to balance the needs and priorities of the various users and uses within the right of-way, including provision for: space for trees, landscaping and green infrastructure and other street elements, such as utilities and services, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture.

Policy 3.1.1.16 of the Official Plan states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved.

Policy 3.1.4 of the Secondary Plan states that pedestrian and public realm improvements will be prioritized to support the Public Realm Moves identified on Map 21-6, prioritizing the extension and enhancement of existing and proposed parks; the creation of privately-owned publicly-accessible spaces (POPS); the provision of additional street trees, understory plantings and street furniture within streets and adjacent setbacks; re-allocating space within public streets to prioritize pedestrians, cyclists and public transit; and the provision of public art.

The site is located along the Eglinton Green Line. Policy 3.2.2(d) of the Secondary Plan states that on Eglinton Avenue West between Yonge Street and Eglinton Park, continuous landscaping that includes high-branching trees and plantings will be provided in the right-of-way and in the setbacks.

The site has frontage on both Eglinton Avenue West and Duplex Avenue. The ground floor and mezzanine is proposed to be set back 1.0 metre from the front lot line for the east portion of the building and 3.0 metres for the west portion, resulting in a pedestrian realm width of 5.84 metres to 7.85 metres along Eglinton Avenue West. Along Duplex Avenue, the ground floor and mezzanine are proposed to be set back 3.35 metres from the property line near the corner at Eglinton Avenue West and 1.56 metres further north adjacent to the residential lobby, resulting in a pedestrian realm width of 4.75 metres to 6.74 metres measured from the curb to the building face.

Policy 3.1.9 of the Secondary Plan provides that the location and design of underground facilities, such as parking, on properties will provide sufficient space and soil depth to establish and maintain a permanent, high-branching tree canopy. In review of the applicant's landscape plan, a total of three street trees are proposed to be planted along Eglinton Avenue West.

The proposed streetscape condition is unacceptable and the public realm within the setbacks are encumbered by the proposed underground parking structure. The proposal requires revisions to include space for sufficient soil volume/depth to support large canopy trees within the streetscape. Further, greater setbacks are required along the entirety of the Eglinton Avenue West and Duplex Avenue street frontages to provide for wider sidewalks, particularly around building entrances.

Policies 3.1.1.6 (c) and (d) of the Official Plan give heightened importance to improving the quality and convenience of active transportation options within all communities by

giving full consideration to the needs of pedestrians, cyclists and public transit users; and providing building access and address.

Policy 3.1.5 of the Secondary Plan requires that public realm improvements improve pedestrian movement and safety, as well as creating seamless and integrated pedestrian connections to transit stops and other climate-controlled walkways, which is also encouraged by Provincial Policy.

This site is adjacent to Eglinton Station and an opportunity exists to create an integrated pedestrian connection to the TTC subway station to the east of the site. In discussions with the applicant prior to the submission of this application, Planning Staff noted this potential connection and requested that the applicant pursue a connection to provide internal access to the station as part of any application; however none was provided. Staff continue to recommend that this be provided.

Open Space/Parkland

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city.

According to the Strategy's methodology, the development site is currently in an area with 4 to 12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person in 2016. The development site is also within an Areas of Parkland Need per Figure 18 of the Parkland Strategy, which highlights areas where the city will focus and prioritize parks planning and acquisitions. Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

The site is located within the boundaries of the Midtown in Focus Study Area. This neighbourhood has been identified as an area of rapid population growth, thus increasing the demand and use on the existing public open space. As part of the Study, parkland has been identified as a priority to be achieved within the area.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 8,840 square metres or 640.13% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 276.53 square metres.

The applicant is required to satisfy the parkland dedication requirement through an onsite dedication. The park shall comply with Policy 3.2.3.8 of the Toronto Official Plan. However, in this instance and as per the Toronto Municipal Code Chapter 415-26 C, Parks, Forestry & Recreation would accept the conveyance of lands off-site, but within

approximately 800 metres of the applicant's site, that would expand an existing park or create a new park as the required parkland dedication. The Yonge-Eglinton Secondary Plan shall be consulted to identify conceptual candidate areas for off-site parkland dedications.

The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit. If the pursuit of an off-site dedication is not successful, an on-site dedication will be required.

Housing - Unit Mix and Size

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing.

Section 7.1 of the Yonge-Eglinton Secondary Plan states that in order to achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a minimum of 15 per cent of the total number of units as 2-bedroom units;
- a minimum of 10 per cent of the total number of units as 3-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

The Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. The accompanying staff report is available here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The application proposes 376 (56.7%) one-bedroom, 166 (25%) two-bedroom and 121 (18.3%) three-bedroom units. The proposal adequately supports the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan (2020) growth management and housing policies to accommodate within new development a broad range of households, including families with children.

However, the proposed two-bedroom units range in size from approximately 60.7 to 68.5 square metres, and the proposed three-bedroom units generally range in size from 76 to 85.5 square metres. None of the proposed 2-bedroom units are 87 or more square metres in size and only three of the proposed 121 three-bedroom units are greater than 80 square metres in size.

These unit sizes do not adequately support the unit size objectives of the Growing Up Urban Design Guidelines.

Construction Management

A Construction Management Report has not been submitted with the application. Policy 9.7.1 of the Secondary Plan requires Construction Management Plans as part of the site plan control process for development in order to ensure minimal disruptions to the surrounding area and good communications with neighbours of the development site during the construction period.

In the event that the LPAT approves the application in some form, a construction management plan will be required by City Planning and Transportation Services as part of an eventual Site Plan Control Application.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Official Plan Policy 4.5.2 k) states that in *Mixed Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. The Secondary Plan also contains policies for amenity space in Section 5.7.

These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 square metres of indoor amenity space and 2.0 square metres of outdoor amenity space for each unit. Zoning By-law 569-2013 requires a minimum of 4.0 square metres of amenity space for each unit, of which at least 2.0 square metres must be indoor amenity space.

The development proposal includes a total of 2,113 square metres (3.19 square metres per unit) of amenity space. A total of 1,326 square metres (2.0 square metres per unit) of indoor amenity space is proposed, of which 753 square metres would be located on the third storey, 139 square metres would be located on the fourth storey and 435 square metres would be located on the sixth storey adjacent to an outdoor amenity terrace.

A total of 787 square metres (1.19 square metres per unit) of outdoor amenity space is proposed which includes 332 square metres on the third storey and 415 square metres on the sixth floor adjacent to the indoor amenity space.

Although the proposed indoor amenity space provision is appropriate, the amount of outdoor amenity space provided is not in keeping with the standards of the Zoning By-law which requires 2 square metres per residential unit.

Pet Friendly Design

No pet amenity is proposed. For a building with more than 20 units, it should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size. An indoor pet washing station is recommended.

Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

Traffic Impact

A Transportation Considerations Report, prepared by BA Group and dated June 30, 2020, was submitted in support of the proposed development. The proposal is expected to generate in the order of 90 two-way vehicle trips during the weekday morning peak hour and 85 two-way vehicle trips during the weekday afternoon peak hour.

Transportation Services staff has reviewed the Transportation Considerations Report and have raised concerns with the driveway width, corner roundings, proposed access, sidewalks, parking and loading spaces and have advised that amendments to the study and further information are required. City Planning requires an updated Transportation Considerations Report.

Parking

The parking requirements for the project are governed by the applicable parking provisions contained in Site Specific By-law No. 1117-2013, which requires a minimum of 480 parking spaces, including 434 resident and 46 resident visitor parking spaces.

Typically, parking requirements are governed by the former City of Toronto Zoning By-law 438-86 and Zoning By-law 569-2013. The parking provisions contained in the Site Specific By-law 1117-2013 are as follows:

Residential:

- | | |
|---------------------------------|------------------------------|
| (a) bachelor dwelling unit | 0.30 space per dwelling unit |
| (b) one bedroom dwelling unit | 0.50 space per dwelling unit |
| (c) two bedroom dwelling unit | 0.75 space per dwelling unit |
| (d) three bedroom dwelling unit | 1.00 space per dwelling unit |

(e) visitor parking 0.06 space per dwelling unit

Non-residential – Retail and Service Shop:

(f) for non-residential retail and service shop uses, a minimum of 1.0 space for each 100 square metres of gross floor area is required, to a maximum of 4.0 spaces for each 100 square metres of gross floor area.

A summary of the parking requirements for this project are provided in the following table.

Table 1 – Parking Requirements – Site Specific By-law No. 1117-2013 (OMB)

| Use | Scale | Parking Rate | | No. of Spaces | |
|---------------------|--------------------|--------------|-----|---------------|-----|
| | | Min | Max | Min | Max |
| Residential | | | | | |
| 1 Bedroom | 376 units | 0.5 | - | 188 | |
| 2 Bedrooms | 166 units | 0.75 | - | 125 | |
| 3 Bedrooms or More | 121 units | 1.0 | - | 121 | |
| Visitors | 663 units | 0.06 | - | 40 | |
| Retail | 550 m ² | 1.0 | 4.0 | 6 | 24 |
| Sub-Total Residents | | | | 434 | |
| Sub-Total Visitors | | | | 40 | |
| Sub-Total Retail | | | | 6 | 24 |
| Grand Total | | | | 480 | |

According to the site statistics, a total of 72 parking spaces (57 residential spaces, 15 visitor spaces, and no parking for the retail uses) are proposed for this development. As such, there will be a shortfall of 336 parking spaces. The proposal does not satisfy the minimum parking requirement of the site-specific Zoning By-law No. 1117-2013.

Transportation Services recognize the proximity to higher-order transit, however, the significant parking supply reduction does not conform to the City of Toronto parking rates and is not in accordance with what has been approved in the area. As such, the applicant is required to provide parking spaces in accordance with the site-specific Zoning By-law 1117-2013 requirements or alternatively justify the reduction in the

proposed parking supply which needs to be appropriate for the area and development size and context.

Based on By-law 579-2017, a minimum of 5 accessible parking spaces plus 1 accessible parking space for every 50 parking spaces in excess of 100 parking spaces are required. A total of 3 accessible parking spaces are proposed which does not meet the minimum requirements of By-law 579-2017.

Bicycle Parking

The Site Specific By-law requires 0.75 bicycle parking space for each dwelling unit, or a fraction thereof equal to or greater than 0.5, to a maximum of 200 bicycle parking spaces, of which 80% are provided as bicycle parking spaces for residents and 20% are provided as visitor bicycle parking spaces.

A total of 681 bicycle parking spaces are proposed, including 607 long-term spaces and 74 short-term spaces located on the P1 parking level. The proposed bicycle parking is satisfactory.

Loading

The application proposes one Type 'G' loading space, located at grade within the west portion of the building, accessed via an overhead door from the access driveway to the north. A minimum of one (1) Type 'G' loading space with minimum dimensions of 4 metres in width by 13 metres in length must be provided, with a required vertical clearance of 6.1 metres.

Transportation Services staff have noted that the current loading space location is unsafe and not acceptable. The site must be redesigned so that a truck accessing the loading space is not reversing into the underground ramp. The vehicle maneuvering diagram (VMD) also indicates a conflict between a truck reversing and a vehicle exiting the underground ramp.

Site Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report dated June 24, 2020 by Counterpoint Engineering. Engineering and Construction Services staff have reviewed the submitted materials and require a number of revisions, as stated in their memorandum dated August 31, 2020.

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Report to determine the storm water runoff, sanitary flow and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Staff recommend that should the applicant appeal to the LPAT, that the LPAT withhold the issuance of any Orders until such time as the owner has provided a Functional Servicing and Stormwater Management Report satisfactory to the Chief Engineer and

Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water. In any event, revised reports are required to demonstrate that there is adequate capacity in existing municipal infrastructure as well as other matters related to stormwater runoff, sanitary flow and water supply demand.

Tree Preservation

A Tree Declaration dated July 6, 2020, was submitted in support of the proposed development. There are no City-owned or privately-owned trees on or adjacent to the site that would be impacted by the proposal.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by the LPAT.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

Community Service and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

One of the major objectives of the Yonge-Eglinton Secondary Plan is the provision of community services and facilities. The Secondary Plan states that Midtown will continue to prosper by maintaining and expanding community service facilities. Creating new community spaces will be essential to supporting a prosperous local economy, fostering innovation and broadening opportunities for stable employment.

Based on the CS&F policies of the Council-adopted Yonge-Eglinton Secondary Plan (OPA 405) and identified priorities of the Midtown CS&F Strategy (2018), the following CS&F contributions are recommended for consideration in review of this application:

- Secure financial contributions towards capital improvements to the Northern District Library; and/or
- Secure between 464.5 and 929 square metres (5,000 and 10,000 square feet) of flexible multi-purpose community agency space on the ground floor of the proposed development in accordance with the City's Community Space Tenancy policy.

In the event that the LPAT approves the application in some form, and in advance of Section 37 discussions regarding the provision of community benefits, City Planning will require an updated Community Services & Facilities Report to address the comments above.

School Boards

The application was circulated to the both the Toronto Catholic District School Board (TCDSB) and the Toronto District School Board (TDSB).

The TCDSB has identified that the proposal falls within the fixed attendance boundary of St. Monica Catholic School, as well as Marshall McLuhan Catholic Secondary School and St. Patrick Catholic Secondary School. The TCDSB has indicated that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from the development. The TCDSB has identified that they have concerns with school accommodation in the area.

The TCDSB has also indicated that under the Education Development Charges (EDC) By-law 194, as amended, the TCDSB is eligible to levy EDC's in this area towards the acquisition of land for an elementary school.

The TDSB has indicated that they do not support the development application at this time. The TDSB is of the position that the timing of development should be aligned with the provision of pupil accommodation at local schools, with occupancy no earlier than September 2024, in line with the TDSB's Midtown area accommodation strategy. TLC submits that a holding provision is an appropriate *Planning Act* mechanism that should be applied to the subject land in order to allow the TDSB adequate time to undertake the required accommodation review studies and prioritize deploying accommodation strategies.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities or cash contributions for specific capital facilities and can include: affordable housing; parkland and/or park improvements above and beyond the required Section 42 *Planning Act* parkland dedication; public art; streetscape

improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan.

City Planning staff recommend that the City Solicitor be directed to request the LPAT, in the event it determines to allow the appeals in whole or in part, to withhold any order until a Section 37 Agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, North York District and the City Solicitor.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the City of Toronto Official Plan and the provincially-approved Yonge-Eglinton Secondary Plan. Staff are of the opinion that the proposal is not consistent with the policy directions in the PPS (2020) and does not conform with the Growth Plan (2020). These provincial policies direct the City to provide an intensification strategy on where growth should take place. This direction is also to be implemented through the Official Plan and other supportive guidelines. The proposal fails to conform to the relevant policy directions of the City's Official Plan and Yonge-Eglinton Secondary Plan directing where growth is to occur and in what scale, form and intensity.

Furthermore, the proposal does not conform to the Official Plan and Yonge-Eglinton Secondary Plan policies and the Tall Building Guidelines. The subject site is not appropriate for the development of a tower of this scale. The proposed development cannot achieve appropriate tower setbacks nor stepbacks, and fails to appropriately transition within the Yonge-Eglinton Crossroads Character Area, fails to transition to adjacent areas, and fails to fit within its existing and planned context. Additionally, the proposed development does not minimize shadowing, particularly on Eglinton Park, does not replace 100% of the existing office space on the site as required by the Yonge-Eglinton Secondary Plan, the outdoor amenity space that is provided is insufficient, and there is no pet amenity area. In addition, the proposal does not have a satisfactory Functional Servicing Report to address site servicing issues.

Therefore, for the reasons outlined in this report, it is recommended that the application be refused. Should the application be appealed to the LPAT, it is recommended that staff be directed to attend the LPAT hearing in opposition to the applicant's development proposal and application for Zoning By-law Amendment for the property at 36-44 Eglinton Avenue West.

CONTACT

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E-mail: Jason.Brande@toronto.ca

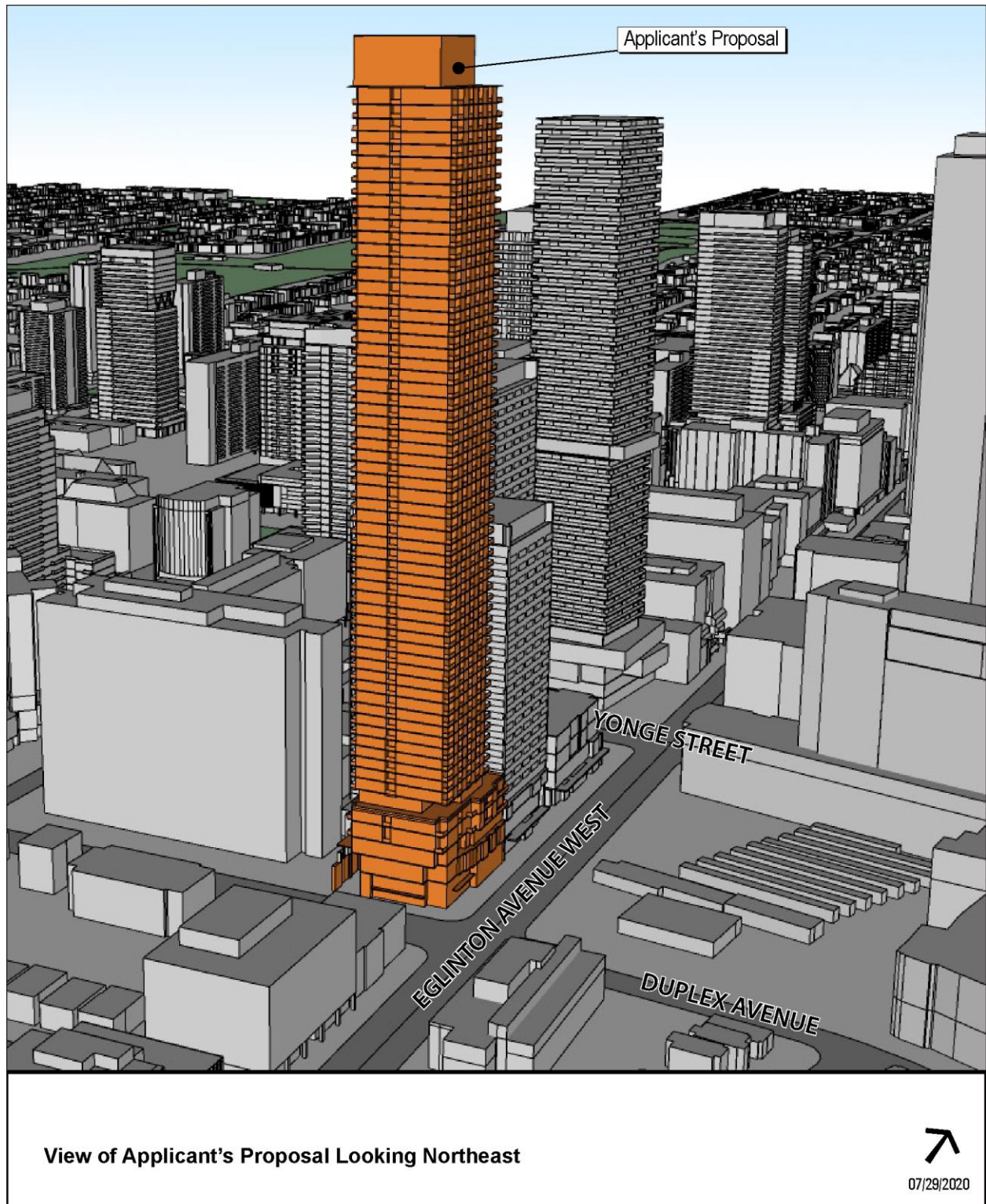
SIGNATURE

Al Rezoski, AICP
Acting Director
Community Planning, North York District

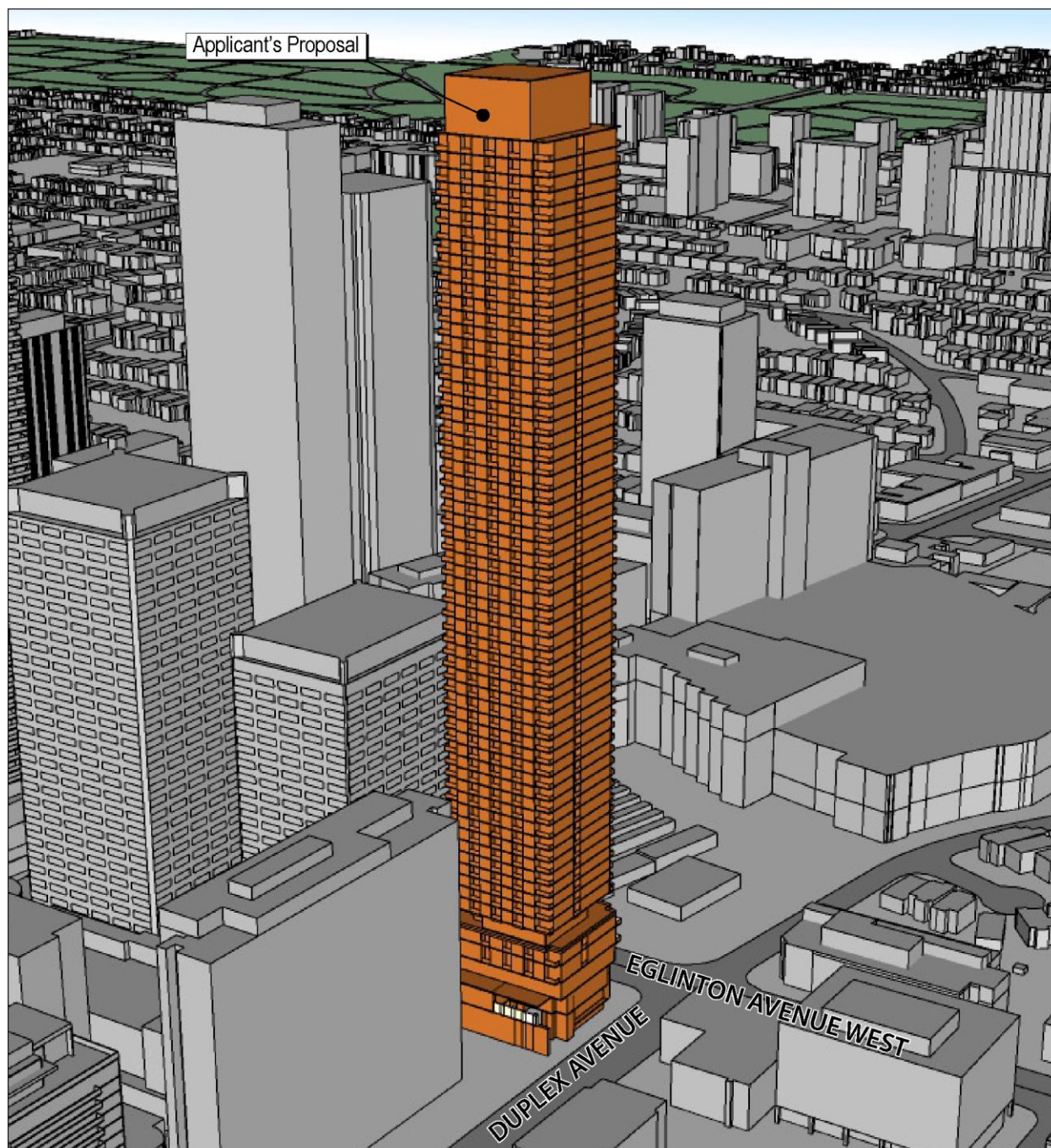
ATTACHMENTS

Attachment 1a: 3D View of Proposal - Looking Northeast
Attachment 1b: 3D View of Proposal - Looking Southeast
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Yonge-Eglinton Secondary Plan Land Use Map
Attachment 5: Existing Zoning By-law Map
Attachment 6: Site Plan
Attachment 7: North Elevation
Attachment 8: South Elevation
Attachment 9: West Elevation
Attachment 10: East Elevation
Attachment 11: Application Data Sheet

Attachment 1a: 3D View of Proposal - Looking Northeast



Attachment 1b: 3D View of Proposal - Looking Southeast

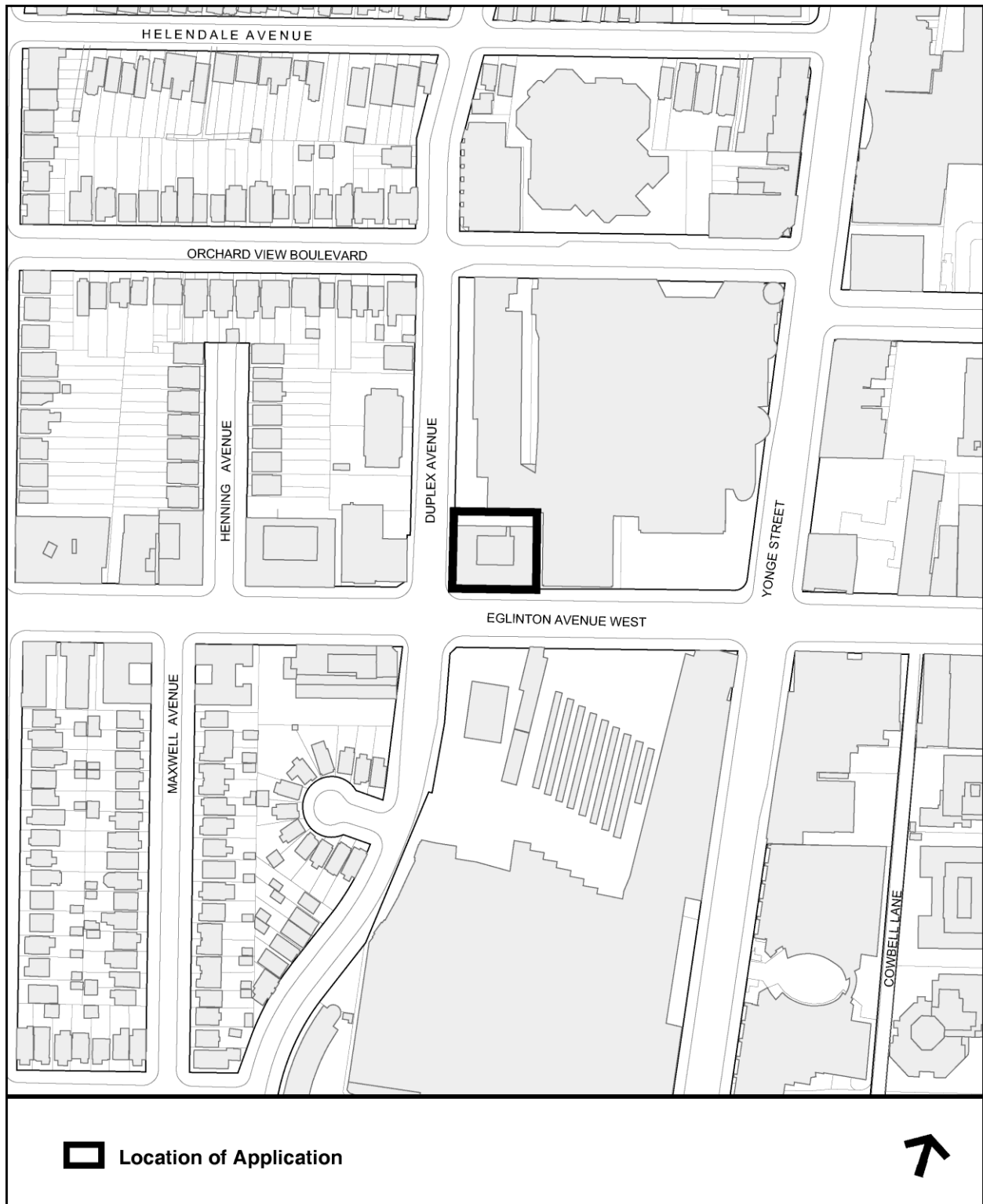


View of Applicant's Proposal Looking Southeast

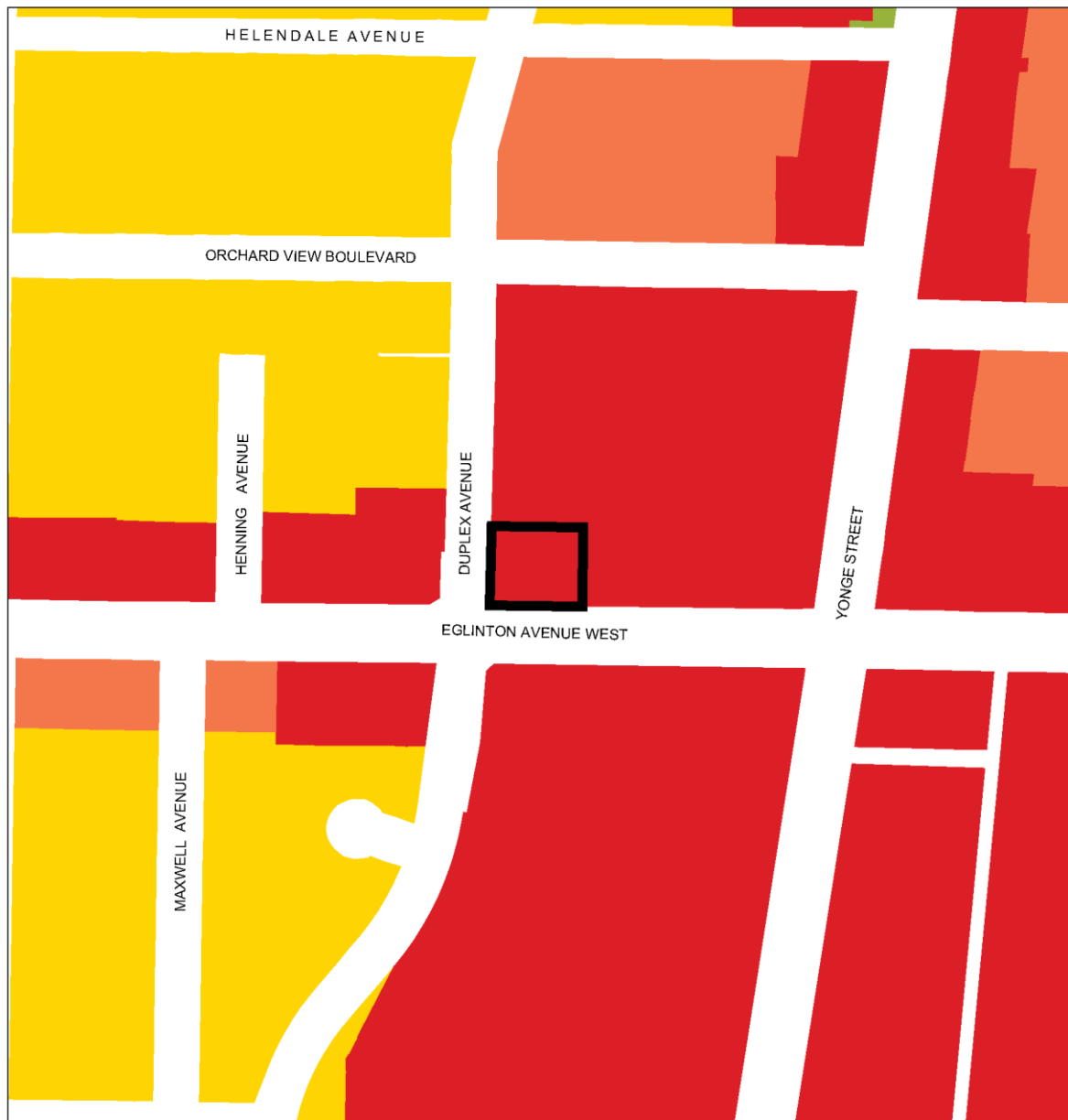


07/29/2020

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

36-44 Eglinton Avenue West

File # 21 101581 NNY 08 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

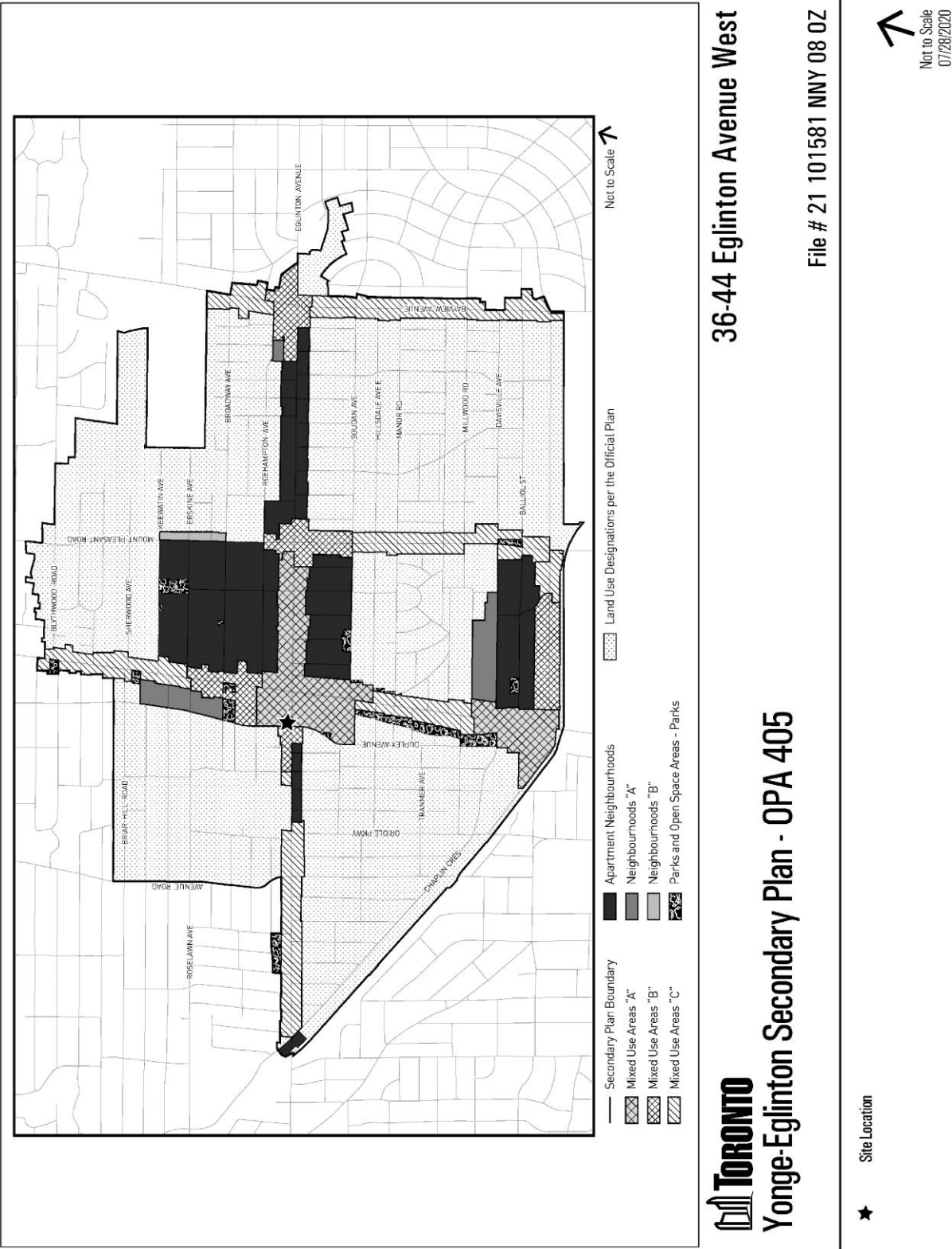
Mixed Use Areas

Parks & Open Space Areas

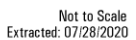
Parks



Not to Scale
Extracted: 07/28/2020



Refusal Report - 36-44 Eglinton Avenue West



36-44 Eglinton Avenue West

File # 21 101581 NNY 08 0Z

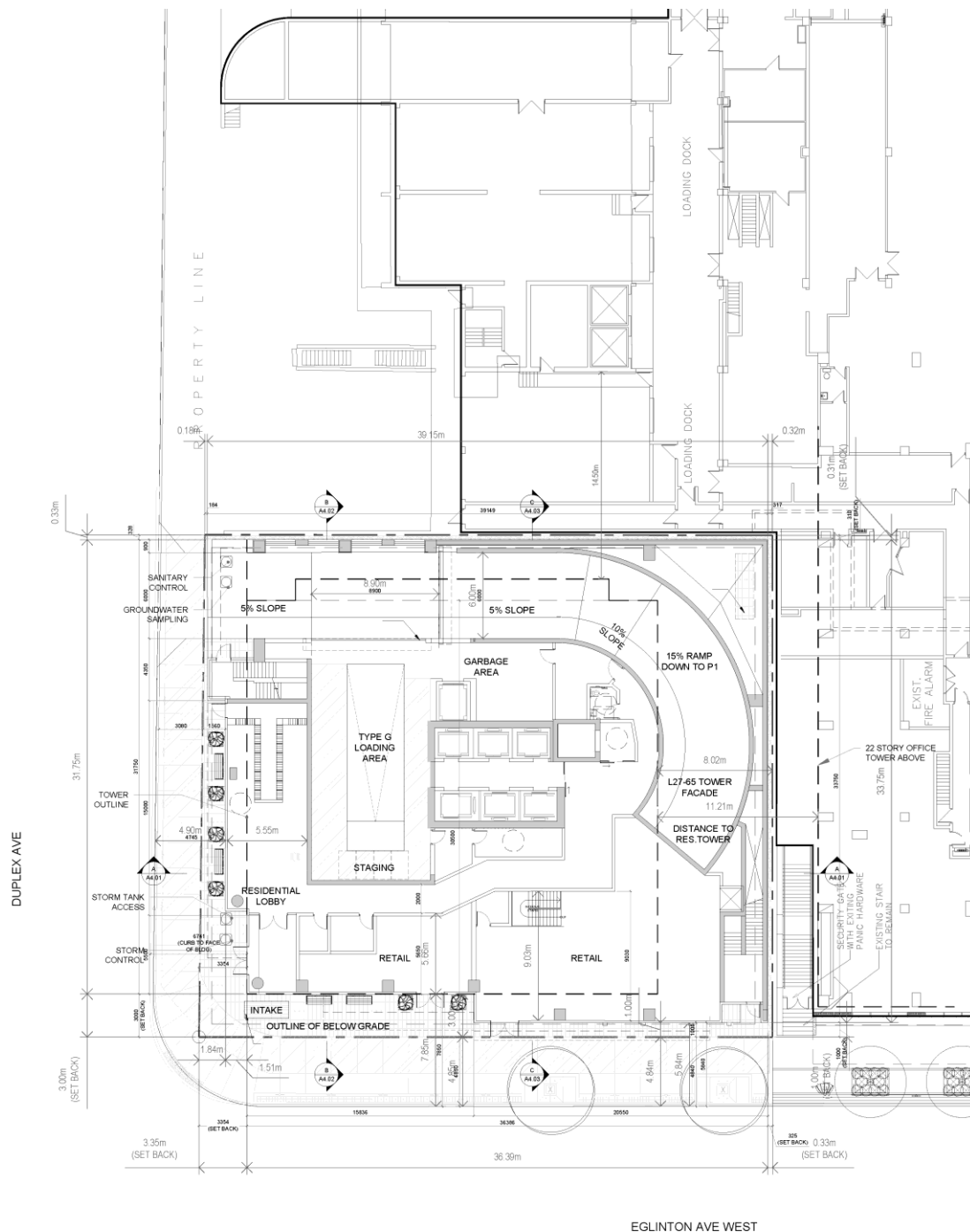


See Former City of Toronto By-law No. 438-86

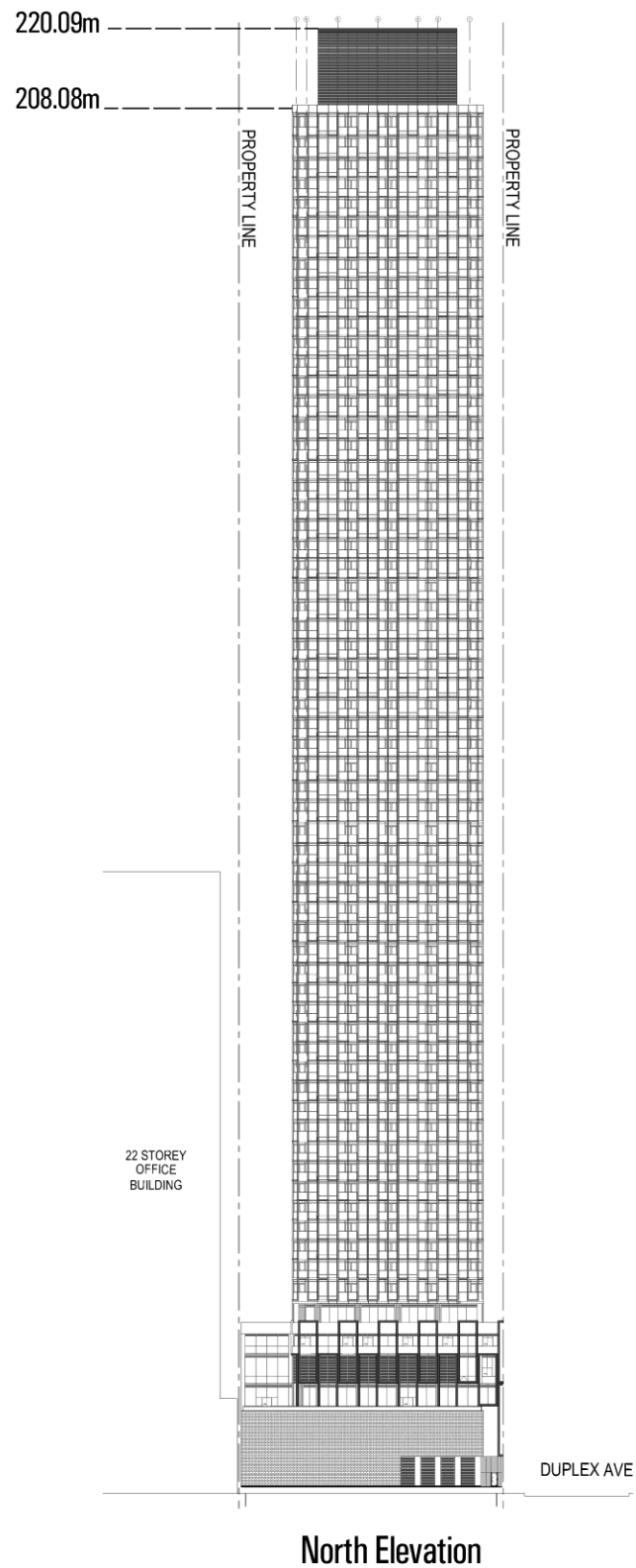
R1 Residential District
R2 Residential District
CR Mixed-Use District
MCR Mixed-Use District



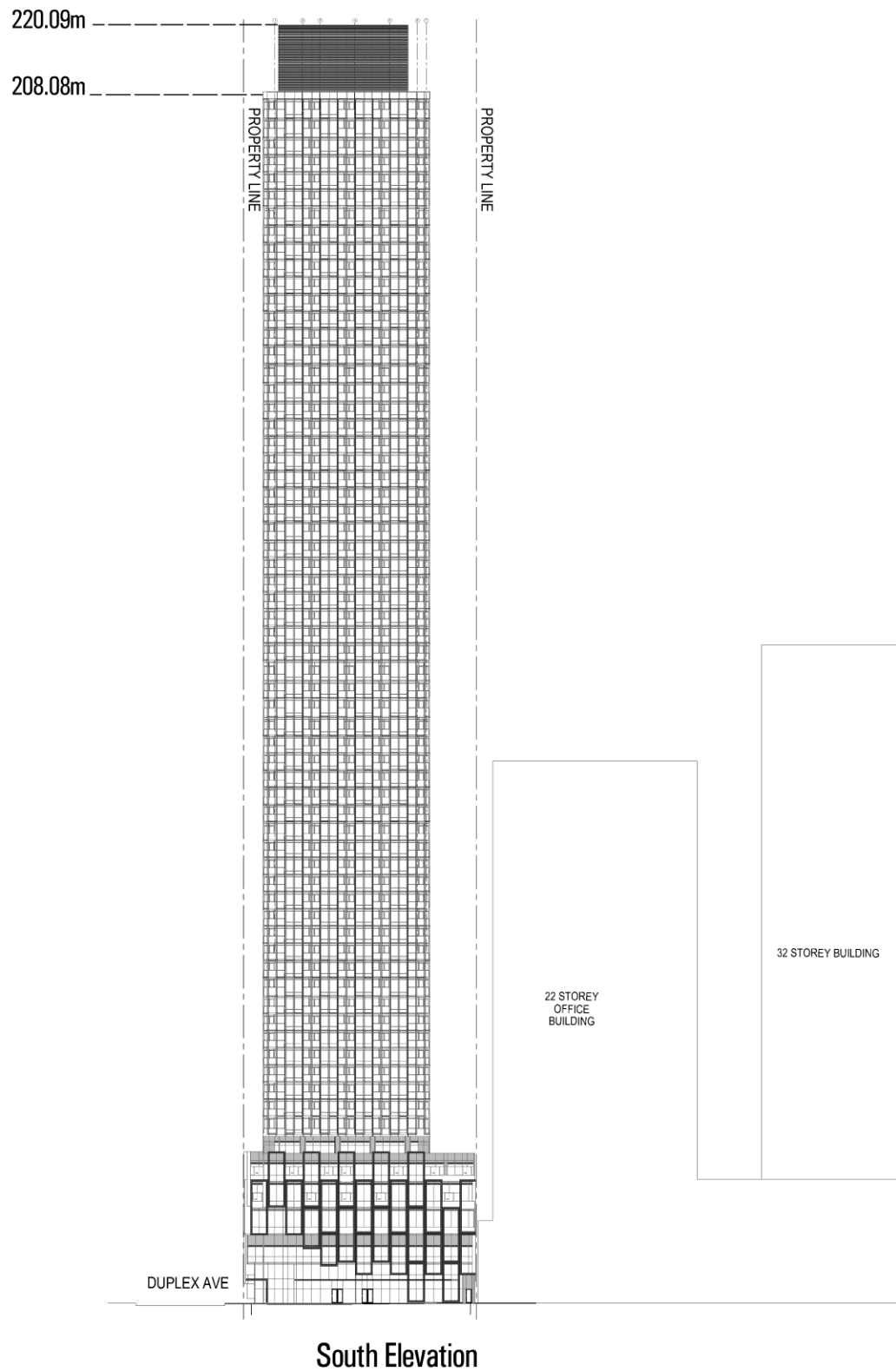
Attachment 6: Site Plan



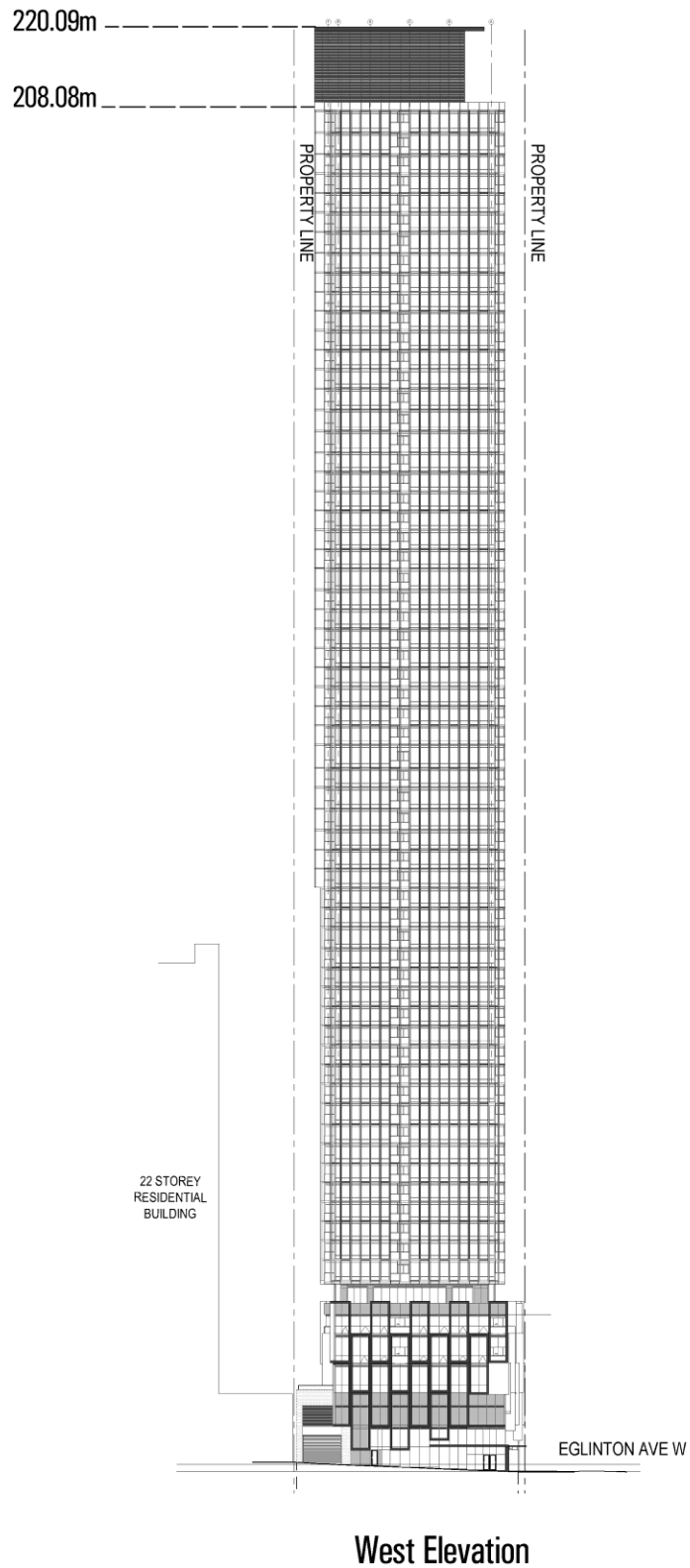
Attachment 7: North Elevation



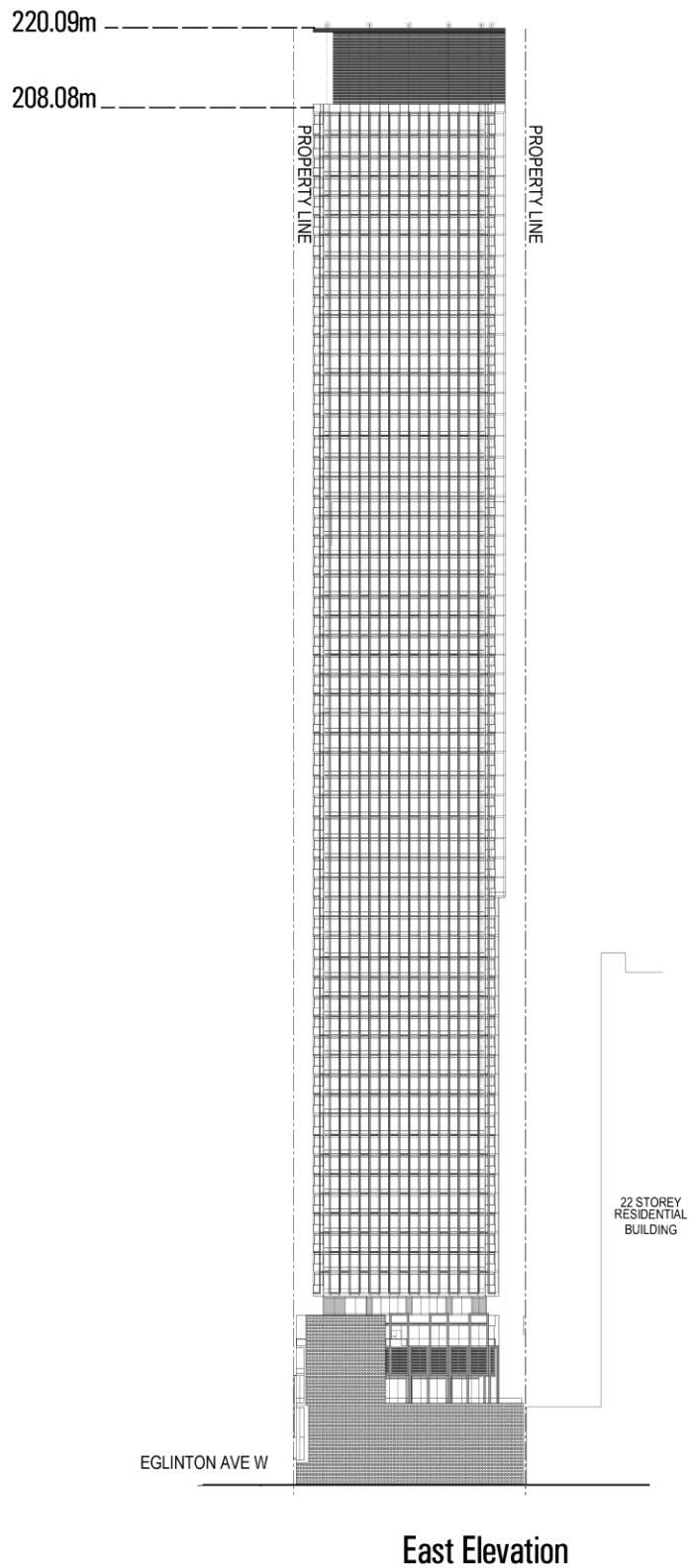
Attachment 8: South Elevation



Attachment 9: West Elevation



Attachment 10: East Elevation



Attachment 11: Application Data Sheet

Municipal Address: 36-44 Eglinton Avenue West Date Received: January 12, 2021

Application Number: 21 101581 NNY 08 OZ

Application Type: Zoning By-law Amendment

Project Description: Application for Zoning By-Law Amendment to permit a 65-storey mixed-use building with a height of 220 metres to the top of the mechanical penthouse, containing 663 dwelling units, 550 square metres of commercial space and three levels of underground parking. The total gross floor area would be 45,112 square metres resulting in a density of 32.27 FSI.

| | | |
|--|---|---|
| Applicant/Agent | Architect | Owner |
| Lifetime Developments c/o Jeff Greene 49 Jackes Ave, Suite 200 Toronto, ON M4T 1E2 | Wallman Architects 117 Peter Street, Suite 208 Toronto, ON M5V 0M3 | 36 Eglinton Duplex Inc. 49 Jackes Ave, Suite 200 Toronto, ON M4T 1E2 |

EXISTING PLANNING CONTROLS

| | | | |
|-------------------|----------------------|--------------------------|---|
| Official Plan: | Mixed Use Areas | Site Specific Provision: | Y |
| Zoning: | By-law No. 1117-2013 | Heritage Designation: | N |
| Height Limit (m): | 122.55 | Site Plan Control Area: | Y |

PROJECT INFORMATION

Site Area (sq m): 1,398 Frontage (m): 40 Depth (m): 35

| | | | | |
|-----------------------------|----------|----------|----------|--------|
| Building Data | Existing | Retained | Proposed | Total |
| Ground Floor Area (sq m): | 1,115 | 0 | 1,246 | 1,246 |
| Residential GFA (sq m): | 0 | 0 | 44,562 | 44,562 |
| Non-Residential GFA (sq m): | 7,332 | 0 | 550 | 550 |
| Total GFA (sq m): | 7,332 | 0 | 45,112 | 45,112 |
| Height - Storeys: | 7 | 0 | 65 | 65 |
| Height - Metres: | | | 220 | 220 |

Lot Coverage Ratio (%): 89.12 Floor Space Index: 32.27

| Floor Area Breakdown | Above Grade (sq m) | Below Grade (sq m) |
|--------------------------|--------------------|--------------------|
| Residential GFA: | 44,515 | 47 |
| Retail GFA: | 550 | 0 |
| Office GFA: | 0 | 0 |
| Industrial GFA: | 0 | 0 |
| Institutional/Other GFA: | 0 | 0 |

| Residential Units by Tenure | Existing | Proposed | Total |
|--------------------------------|----------|----------|-------|
| Rental: | | | |
| Freehold: | | | |
| Condominium: | 0 | 663 | 663 |
| Other: | | | |
| Total Units: | | 663 | 663 |

Total Residential Units by Size

| | Studio | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
|--------------|--------|-------------|-----------|-------------|
| Retained: | | | | |
| Proposed: | 0 | 376 (56.7%) | 166 (25%) | 121 (18.3%) |
| Total Units: | 0 | 376 (56.7%) | 166 (25%) | 121 (18.3%) |

Parking and Loading

| | | | | | |
|-----------------|----|-------------------------|-----|----------------|---|
| Parking Spaces: | 72 | Bicycle Parking Spaces: | 681 | Loading Docks: | 1 |
|-----------------|----|-------------------------|-----|----------------|---|

CONTACT:

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